ELECTION OF MEMBERS FOR THE STANDING FINANCE COMMITTEE AND THE ECONOMIC DEVELOPMENT BOARD.

PRESIDENT: As a result of the ballot held yesterday, the following non-official members have been elected for the Standing Finance Committee for 1102:—

1. Mr. M. Sivatanu Pillai.
2. Mr. P. K. Narayana Pillai.
3. Mr. G. Parameswaran Pillai.

The following non-official members were elected for the Economic Development Board:—

1. Mr. M. N. Nair.
2. Mr. C. Kerala Varma Koiltampuran.
3. Mr. K. Madhavan Pillai.
4. Mr. S. Piraviperumal Pillai.

DEMANDS FOR GRANTS—(*Contd.*)

DEMAND IX—GENERAL ADMINISTRATION SECRETARIAT, ETC. Rs. 1·97 LAKHS.

MR. K. GEORGE (*Chief Secretary to Government*): Sir, I move for a grant not exceeding Rs. 1,97,000 under Demand IX—Secretariat, etc.

154. General Administration Huzur Cutcherry.

Motions 221 to 224.

The following motion was deemed not to have been moved as the member was absent:—

MR. S. PIRAVIPERUMAL PILLAI:

221. To reduce the allotment of Rs. 5,552 for 7 shorthand reporters by Rs. 100.

The following motions were not moved:

MR. G. RAMAN MENON:

222. To reduce the allotment of Rs. 9,816 for establishment at the Dewan's quarters by Rs. 600.

MR. K. MADHAVAN PILLAI:

223. To reduce the allotment of Rs. 1,16,488 for establishment by Rs. 100.

MR. G. RAMAN MENON:

224. To reduce the allotment of Rs. 4,500 for upkeep of motor car by Rs. 1,500.

Motion 225.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I beg to move the following motion:—

225. To reduce the allotment of Rs. 1,51,601 for Huzur Cutcherry by Re. 1.

Sir, Travancore is an advanced State which wants to be ruled with due regard to public opinion, especially with reference to policies adopted by the Government in the administration of the State. If the Government only care to know what the opinion of the public is with regard to a particular measure or policy, it will be very easy for them to ascertain it either through the Legislative Council where the accredited representatives of the people sit or through the Press. The policy

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which the Government may adopt towards the Press therefore is a matter which vitally affects the people of the country as a whole. So, the object of this motion is to draw the pointed attention of the Government to the serious grievance felt by the people as a result of the action of the Government in having disregarded the status and the position of this House in the promulgation of the Newspapers Regulation. This Regulation, Sir, I beg to submit, destroys the elementary right of freedom of opinion of the people. Sir, no measure of Government in recent times has caused so much consternation in the public minds as this measure which cuts at the root of the freedom of the Press so essential for the prosperity and happiness of the people. It is to an independent Press that we owe our position in public life. It was the free Press that has so far ensured the security of person and property from the high-handedness of the executive. It is nothing strange therefore that the people are greatly agitated at this interference with their freedom. The Newspapers Regulation which places the newspapers completely at the mercy of the executive destroys at once the most important safeguard we have against the autocratic action of the beaurocracy and the means of protection we have for the maintenance of our rights.

The object of the budget is to provide money for enhancing the prosperity and happiness of the people, and a matter like this that vitally affects the happiness and prosperity of the people cannot but be the most proper and relevant subject in the discussion of that budget. In this Budget Session, coming as it does just after the promulgation of this measure, the first and foremost subject of paramount importance that should engage the attention of this Council can only be this. This accounts for the resentment expressed by the members against the President's ruling and the events that followed in this House.

Sir, within the short time at my disposal, I can only emphasise upon three important aspects of this Newspapers Regulation, namely, whether there were any special circumstances in the country which would justify the passing of such a measure, the illegal method of its promulgation and the absolute barbarity of its provisions.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Sir, may I know what the member means by 'illegal method' of promulgation?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The member must understand that we have been compelled practically to shut up our mouths for the past so many days. I do not want my friend to interrupt me in the middle of my speech, but I shall answer him at the end. He may even send his questions on to me which I shall answer at the close of my speech. Moreover, I have to take care of the time-limit.

Sir, no case has been made out to show any justification for interference with the freedom of the Press. In British India, at the time, that is in 1910, when the Bill relating to the Press was introduced, it was said that there had been a large number of successful Press prosecutions, that there had been revolutionary conspiracies and political assassinations and that they were all due to the fearless and unrestrained propaganda carried on by the newspapers. Even these reasons

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[Mr. K. P. Nilakanta Pillai.]

were thought insufficient even by moderate men like Lord Sinha who threatened to resign his seat on the Executive Council in protest. In Travancore, on the other hand, there was no such situation. Here is an advanced State with an educated population in whose political thinking the idea of constitutional agitation is so thoroughly ingrained that they are determined to achieve their objects only by peaceful and constitutional means. But, since the administration of the country is carried on without any well-defined principles, there has been well-deserved, but outspoken, criticism on administrative measures and policies. The two papers that transgressed the limits have been brought to book. Nowhere has it even been stated that the general tone of the Press had become objectionable. Neither in the Administration Reports nor in the public utterances of responsible officers has there been even a suggestion that the tone of the Press must be taken exception to, and a necessity had arisen to restrict their freedom immediately. It was only in Kumbham last that the Dewan addressed the Popular Assembly. Then there was not even a whisper about this so-called dangerous propensities of the newspapers. Then, what necessity had arisen in the meanwhile, within three months, for an enactment of this kind? Sir, there was none. Of course, there were criticisms regarding irresponsible officers and the high-handed acts of the Government. The inefficiency of the Government has also been the subject of strong comment in some of the newspapers; and these do not justify the promulgation of a reactionary measure like the Newspapers Regulation.

Even if it is admitted that a newspaper or two had been guilty of aberrations, it was not shown that the already existing law was insufficient to bring them to book. The provisions of the Penal Code relating to the newspaper offences, namely, sedition, class hatred, defamation, and offences of using vulgar and indecent language and the large powers conferred by Sections 6, 7 and 8 of the Press Regulation of 1079, have not been shown to be insufficient. Thus, there has not been any circumstance or reason to justify any interference with the freedom of the Press.

The other aspect is, even if a law was found necessary, it should have been passed through the Council which has been specifically constituted for that purpose. This was a subject entirely within its province. Sir, if the Newspapers Regulation was enacted for the benefit of the people, it could have been brought safely before this House, constituting as it does the accredited representatives of the people. That was not done. This House cannot but take it as an unmerited insult offerred to this representative body. This measure was hatched in secret and thrown on the people as a surprise. Neither the people nor their representatives were taken into their confidence by the authorities concerned. I have my own doubts whether Her Highness the Maha Rani Regent can invoke the power reserved in Section 20 of the Legislative Council Regulation. The attitude of the Government in not placing this matter, either before its enactment or at least after its

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promulgation, cannot but be condemned in the strongest language possible. If the Government of Travancore had been a Government that directly depends for its existence on the vote of the people, I have no hesitation to say that it would not have survived even a day after this insult was offered to the people of Travancore.

Sir, the provisions of this Regulation are quite in keeping with its mysterious origin. As Mr. P K. Narayana Pillai has put it, 'the provisions of this Regulation are opposed to natural justice, ordinary rules of legislation and the best interests of the State as a whole.' The whole scheme of the Regulation is so topsy-turvy inasmuch as it begins with a punishment and ends with an enquiry. It is unfair in so far as it does not provide for a remedy against any unscrupulous authority that sets the Regulation against any innocent subject and ultimately fails—nay, such a remedy is excluded by a specific provision in the Regulation itself. Sir, we cannot but deplore the want of sobriety, good sense and touch with the people and grasp of the first principles of legislation in the advisers of the Government.

The public opinion in Travancore and outside has been clearly against this obnoxious measure. All the newspapers in the land, except four, have unambiguously condemned this Regulation. Sir, knowing as we do, we are not at all surprised at the attitude taken by these four newspapers. The whole State is resounding with the popular cry for an immediate repeal of this Regulation. The resolutions and the speeches in the innumerable public meetings held in all the important centres of Travancore prove what the people feel in respect of this Regulation. The attitude of the majority of the elected members of this House is proof positive of the deep indignation the country feels at the promulgation of this obnoxious measure. Sir, with these words, I urge that the Regulation be repealed immediately.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Will the member be now pleased to explain what he means by 'illegal' ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : My friend must understand that there is a Legislative Council in the country. Measures of legislation must be brought before the Council and passed through the Council. In the passing of this particular Regulation, this Council was not consulted at all. Therefore, I say that the promulgation of the Regulation, so far as this Regulation is concerned, is illegal.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Is a Regulation passed in exercise of the power reserved under Section 20 of the Legislative Council Regulation illegal ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : If the member had followed my speech, he could have heard that I have my own doubts whether Her Highness the Maha Rani Regent can invoke the reserved power under Section 20 of the Legislative Council Regulation in passing this particular measure.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : May I know from the Member the names of the four newspapers he spoke about ?

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : They are the Malabar Advocate, the Trivandrum Express, the Western Star and the Microcosm or some such thing that is published from Setalmond Guild.

MR. K. GEORGE (*Chief Secretary to Government*) : Sir, Mr. K. P. Nilakanta Pillai has with characteristic vigour and vehemence denounced the action of the Travancore Government in enacting the Newspapers Regulation. Sir, before I proceed to reply to his speech, may I make an appeal to this House? I ask the House to consider whether the Travancore Government has not a right, as any individual has, of being judged with fairness in regard to its motives in introducing this legislation. The traditions of this Government of ours are not one of blind autocracy. On the contrary, I am sure that it will be admitted by everyone in this House that it has always stood for progress. Our representative institutions were all started not as a result of popular agitation or clamour, but were the beneficent gifts of a benign Sovereign.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Was there no agitation before the enactment of the Legislative Council Regulation, II of 1097?

MR. K. GEORGE (*Chief Secretary to Government*) : I speak of the starting of these representative institutions.

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : May I know whether soon after the Sri Mulam Popular Assembly was introduced there was a proposal to stop the Assembly altogether during the time of Dewan Mr. Gopalachari?

MR. K. GEORGE (*Chief Secretary to Government*) : That does not affect my case. The Legislative Council, the Sri Mulam Popular Assembly, the Municipal Councils, the Bench and Panchayat Courts have all come to their present stature under the fostering care of our Gracious Rulers. The same is true in other directions as well, be it the development of education, the elevation of the depressed classes, the removal of age-long and oppressive customs and the affording of equality of political rights to all citizens. In all these directions, it is the Government that has led the way and the people have only followed. My object in saying this much is this—that a Government with such noble traditions and such splendid record of noble achievements has a right to be saved from the imputation of malicious motives in its actions. *Prima facie* and judging from its past actions, it could not be blind repression, could not be callous indifference to the rights of the people, could not be the desire for autocratic power, that must have actuated the Government in the promulgation of this piece of legislation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know whether the opinion of the public was invited before this Regulation was passed?

MR. K. GEORGE (*Chief Secretary to Government*) : That point in the member's speech will be discussed later.

I say, on the contrary, that in passing this Regulation, the Government must have been actuated by the same benevolent motives with which they initiated the reforms that I have mentioned. This measure

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itself was inaugurated in the best interests of the people and the country.

With these preliminary remarks, I shall proceed to say a few words about the necessity for this legislation. I will first speak on the tendencies of the journals of recent times. In speaking of this, I do not include all the journals in the State.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): By 'recent times' may I know within what period?

MR. K. GEORGE (*Chief Secretary to Government*): I mean the last few years.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): This particular aspect of journalism must have been noticed by the Government. May I know from what date it was noticed, at least the approximate date?

MR. K. GEORGE (*Chief Secretary to Government*): I cannot give any exact date.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Or at least the years?

MR. K. GEORGE (*Chief Secretary to Government*): Sir, I should like not to be interrupted in my speech. I shall answer questions at the end.

I do not, as I said, include all the journals. But there is a certain section of the Travancore Press to which my observations would apply. All of us are aware that this country, unlike many other countries, has a large educated population. In recent years, the development of education has been rapid, particularly Vernacular education. Formerly, all the educated youths used to be absorbed into the public service of the State. But it became impossible with the rapid development of education and the large output of our educated and half-educated youths that came out of the schools to provide all of them with posts in the Government service. That being so, a class of young men arose in the country who had no employment whatever; and, as the House well knows, the problem of the literate unemployed is a very serious problem at present of which the House itself has taken note. Poverty and economic distress and discontent were the results of this rapidly spreading education. Hence some of our unemployed youths drifted into the profession of journalism. They were for the most part - I am speaking of a certain class of editors—half-educated and irresponsible men who had no character or position in society. They found that in the new calling that they had adopted they could earn a living only by pandering to a vitiated taste for sensation or by rousing communal jealousies. It is also admitted on all hands that on certain occasions some of them did even stoop to the trade of blackmailing.

Well, what were the characteristics of some of our journals? In the first place, there were newspapers which indulged in sedition. They contained articles which were calculated to bring the Royal House into hatred and contempt. They were calculated to bring into contempt and hatred the Government and even occasionally they contained articles which were filled with hatred and contempt for the Paramount Power.

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[Mr. K. George.]

Another objectionable feature was the stirring up of communal jealousies. I need not dilate much on that topic because that feature of our journalism was strongly commented upon by an eminent Judge of our High Court in the recent *Janmabhumi* case.

A third undesirable feature of our journals was the habitual vilification, which they indulged in, of persons in authority. It was characterised by some one some time ago as a system of high-way robbery of the reputation of honourable men. Even the sacred precincts of the family were not safe from the attacks of some newspapers.

A fourth objectionable feature was that a number of papers indulged in highly obscene language. Some of the newspapers – I am speaking to a House which is thoroughly conversant with this aspect of journalism in Travancore– –were unfit to be introduced into our homes. And I am sure that those of us who are fathers would have concealed the papers so that they might not fall into the hands of our sons and daughters. Sir, if these were only isolated instances, [illegible] would have been pardonable, but unfortunately these disgraceful methods were continuously and persistently adopted. If these were the objectionable features prevailing in some of our newspapers, *viz.*, sedition, stirring up of communal jealousies, habitual vilification of persons in authority and obscenity, what would be the result? The first was intensifying of communal bitterness which became a growing menace to the peace and well-being of the people of this country. Most people regard their reputation, the good name of their community and the sacredness of their religion as far more important than even their lives. Thus no one could foresee the great danger to the peace and safety which the stirring up of class-hatred might lead to. We have at present instances of communal strife in some parts of British India. In Calcutta and other places, the embittering of communal relations has resulted in riots and bloodshed and I am afraid the responsibility for this state of affairs rests to a large extent on the Vernacular press. In Calcutta, recently, there have been a series of prosecutions against certain newspapers for stirring up communal jealousies.

Then again, think of the grave danger of moral contamination of the rising generation which the reading of the obscene papers would cause. Such newspapers are read with avidity by immature boys and girls and their minds get saturated with racial bitterness and foul and impure imagination and a contemptuous disregard of authority. I ask in all seriousness whether any Government responsible for public safety and public morals could sit with folded arms when this frightful menace was growing around them. I also ask whether any patriotic man could look on complacently at the terrible danger. Should we leave such a terrible legacy to our children? Should we not on the contrary make every effort to bring concord and tranquillity in the country?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I know how many papers there were which had these objectionable features?

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MR K. GEORGE (*Chief Secretary to Government*): The member may put his questions to me after I finish my speech.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I know whether there are not provisions in the Penal Code to punish such offences?

MR. K. GEORGE (*Chief Secretary to Government*): I shall answer his questions at the end.

Sir, there is the danger of our being carried away by false analogies. We speak of the liberty of the Press in England and other European countries. But, at the same time, we forget that in these countries the liberty of the Press has been a matter of centuries of growth. The conditions in Travancore are not the same as the conditions in those countries. In Travancore, the growth of newspapers is of recent origin, and they are still in their infancy. Hence, one would not be justified in comparing our country with other European countries. If at all any comparison should be instituted, it should be with British India and other Indian States.

Well, in British India, there was until very recently a Press Law which was not less stringent than ours and to-day, in Mysore, there is a Press Law which is far more stringent than our Newspapers Regulation.

We are also in danger of being carried away by such catch phrases as *"the liberty of the Press"*, *"the rights of the people"* and so on. What is true liberty, I ask? Is it unbridled license to speak or act as one thinks? In all society, in fact in all human relations, every individual liberty is restricted by the equally sacred rights of others. Only people who can exercise their liberty with self-restraint and who do not interpret "liberty" to mean the invasion of the rights of others are fit for liberty. I ask the House to consider seriously which is more important. Is it public safety and public morals and the safeguarding of the character of our public men or is it the bolstering up of a spurious liberty?

My friend Mr. K. P. Nilakanta Pillai spoke of the adequacy of the existing laws. I deny that. Firstly, I say the prosecutions of newspapers would be both irritating and ineffectual. Secondly, I hold that it is always better to prevent a set of circumstances from arising than to cure it after it has arisen. What is needed is purification and not punishment. Thirdly, with all the provisions in the Penal Code, there will be very little difficulty for newspapers to indulge safely in their indecent methods and yet escape the law.

Then again, there is nothing in our Regulation which would endanger any newspaper which is conducted on good lines. The Government are not afraid of criticism. They are not afraid even of violent criticism. But what they consider reprehensible is the reckless and unscrupulous attributing of impure motives to every action of theirs. It is only in the interests of the public that public servants should be protected from foul and unfair attacks in newspapers which lower them in the estimation of the public.

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[Mr. K. George:]

Sir, I now come to my last point. The demand for a Regulation to control the newspapers in the State is not a new one. The demand was made 18 years ago in the third session of the Sri Mulam Popular Assembly by Mr. Narayana Panikkar, member for Ambalapuzha taluk. It was made again in the fourth session of the Sri Mulam Popular Assembly by Mr. V. S. Krishna Pillai, member for Tiruvalla, and it was not long ago, as we are all aware, that in this Council itself a member stood up and courageously denounced some of the newspapers in Travancore for their scurrilous and indecent methods and declared that it was necessary to have some control over the Press. I remember that a resolution to be brought into this House was also tabled for discussion, but it fell through for want of time.

May I also refer on this occasion to the speech which my respected friend Mr. Changanachery Paramesvaran Pillai made at a public meeting which was called together to protest against the Travancore Newspapers Regulation. There he admitted that there were circumstances which at any rate justified to some extent the enactment of a Newspapers Regulation by the Government. I may also state that several responsible gentlemen have privately acknowledged that a Regulation to control the newspapers in Travancore was absolutely necessary. Some of the newspapers in the country have also done the same. Sir, I have now dealt with the main points that I have to say in justification of the passing of the Newspapers Regulation. If there are any legal points, I would leave them to be answered by the Law Member.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know from the member whether he believes that many of the evils which this Regulation contemplates to prevent could have been avoided if the editors of newspapers were responsible and educated?

MR. K. GEORGE (*Chief Secretary to Government*): That is my whole case. And I am glad that Mr. Sivarama Panikkar admits the evils. No doubt, true education will remedy the evils.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Exactly. Does this Regulation provide for the qualification for editorship of newspapers?

MR. K. GEORGE (*Chief Secretary to Government*): It does not.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does Mr. George believe that if such minimum qualification was fixed, many of the evils contemplated under Section 5 of the Regulation could have been avoided?

MR. K. GEORGE (*Chief Secretary to Government*): I cannot say. Education in all cases does not improve the character of a man. When I speak of education, I speak of true education which improves the character of a man.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): That is rather a vague statement.

MR. K. GEORGE (*Chief Secretary to Government*): I believe my statements must be quite clear to the member who is a man in the profession.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know from the member whether he is aware of the reasons why this measure was not introduced through the Council ?

MR. K. GEORGE (*Chief Secretary to Government*) : As I said, the legal aspects of this measure I will leave to the Law Member to discuss.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Mr. George said that the prosecutions proved to be ineffectual. May I know the number of times in which the Government wanted to prosecute and the percentage of failure ?

MR. K. GEORGE (*Chief Secretary to Government*) : I have already informed the House about my objections to prosecutions. The Government are not prepared to prosecute every newspaper which offends.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : To say that some prosecutions have failed, the Government must be supported by facts and figures. If the Government have not prosecuted a single paper, then how is it possible for them to say that the prosecutions have failed ?

MR. K. GEORGE (*Chief Secretary to Government*) : My point is that we should try to prevent rather than cure.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know the number of persons who have been driven to the profession of journalism through unemployment ?

MR. K. GEORGE (*Chief Secretary to Government*) : That is my reading of the present situation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Are there no data ?

MR. K. GEORGE (*Chief Secretary to Government*) : Yes; there are.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*) : ഈ പത്രങ്ങളാണ് ജാതിസ്പർദ്ധ വളർത്തിക്കൊണ്ടുവന്നതെന്നു പറഞ്ഞല്ലോ. അതിലേക്കു സഹായിച്ചിട്ടുള്ളതു പത്രങ്ങൾ മാത്രമേയുള്ളോ?

MR. K. GEORGE (*Chief Secretary to Government*) : മറ്റുപലതുമുണ്ട്. അതിൽ പ്രധാനം പത്രങ്ങളാണ്.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*) : ഗവർണ്മെന്റിന്റെ ഭരണനയങ്ങൾ അതിനെ സഹായിച്ചിട്ടില്ലേ?

MR. K. GEORGE (*Chief Secretary to Government*) : അങ്ങിനെ പറയാൻ നിവർത്തിയില്ല.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*) : അവ്യാകൃതമായ ഭാഷ അനേകം പത്രങ്ങൾ ഉപയോഗിച്ചതായി പറഞ്ഞുവല്ലോ ഉദ്ദേശം ഏതു പത്രങ്ങൾ ആ തരത്തിൽ ഉൾപ്പെടുമെന്നു പറയാമോ?

MR. K. GEORGE (*Chief Secretary to Government*) : കുറെ ഉണ്ടു

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MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): ഉദ്ദേശം പത്തെണ്ണം വരുമോ?

MR. K. GEORGE (*Chief Secretary to Government*): ഉദ്ദേശം പത്തെണ്ണം വരും.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): അവയെ മാത്രം കളയുന്നതിനു വേണ്ട നടപടി നടത്താതെ മറ്റുള്ള എല്ലാ പത്രങ്ങൾക്കും ദോഷത്തെ ഉണ്ടാക്കുന്നതായ ഒരു നിയമം നിർമ്മിക്കുന്ന നടപടി നല്ലതാണോ?

MR. K. GEORGE (*Chief Secretary to Government*): നല്ല പത്രങ്ങൾക്ക് ഇതുകൊണ്ടു ദോഷമുണ്ടാകയില്ല.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): 9-ാമത്തെ വകുപ്പിൽ ഉൾപ്പെടാതെ ഗവർണ്മെൻറിന്റെ ഭരണനയങ്ങളെ വിമർശിക്കാൻ സാധിക്കുമോ?

MR. K. GEORGE (*Chief Secretary to Government*): ധാരാളം സാധിക്കും.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): 9-ാമത്തെ വകുപ്പു വായിക്കേണ്ട ആവശ്യമില്ലല്ലോ. ഓർമ്മയുണ്ടായിരിക്കുമല്ലോ?

MR. K. GEORGE (*Chief Secretary to Government*): വായിക്കാം. വിരോധമില്ല.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): 9-ാമത്തെ വകുപ്പ് ഇതാണ് "അനുമാനംകൊണ്ടോ, നിർദ്ദേശംകൊണ്ടോ, സൂചനകൊണ്ടോ, ഭാവാർത്ഥംകൊണ്ടോ, വ്യംഗ്യാർത്ഥംകൊണ്ടോ, മറ്റു പ്രകാരത്തിലോ, (ഇതെന്താണെന്ന് എനിക്കു മനസ്സിലായില്ല). പ്രത്യക്ഷമായിട്ടാകട്ടെ പരോക്ഷമായിട്ടാകട്ടെ, ഗവർണ്മെൻറിന്റെ പേരിൽ പകയോ, നിന്ദയോ തോന്നിക്കുന്ന" etc. etc. ഇതിൽ ഉൾപ്പെടാതെ ഗവർണ്മെൻറിന്റെ ഭരണ നയങ്ങളേയും ഭരണതത്വങ്ങളേയും ആക്ഷേപിച്ചു പറയാൻ പത്രങ്ങൾക്കു സാധിക്കുമോ?

MR. K. GEORGE (*Chief Secretary to Government*): ഗവർണ്മെൻറിനെ ആക്ഷേപിക്കുന്നതിനെപ്പറ്റി ഒന്നും ഇതിലില്ലല്ലോ.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): ഗവർണ്മെൻറിന്റെ ഭരണതത്വങ്ങളേയും ഭരണനയങ്ങളേയും ആക്ഷേപിക്കാമോ?

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MR. K. GEORGE (*Chief Secretary to Government*): ധാരാളം ആക്ഷേപിക്കാം. Violent criticism ആയാൽതന്നെയും വിരോധമില്ല എന്നു ഞാൻ പറഞ്ഞല്ലോ.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ഇത്ര കഠിനമായ പ്രസ്സ് റഗ്ലേഷൻ വേറെ എവിടെയെങ്കിലുമുണ്ടോ?

MR. K. GEORGE (*Chief Secretary to Government*): മൈസൂരിൽ ഉണ്ടെന്നു ഞാൻ പറഞ്ഞിട്ടുണ്ടല്ലോ.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ഇതിലുള്ള വകുപ്പുകൾപോലെ കഠിനമാണോ മൈസൂരിലെ പ്രസ്സ് റഗ്ലേഷൻ?

MR. K. GEORGE (*Chief Secretary to Government*): ഇതിലും കഠിനമായിട്ടാണ്.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): അങ്ങിനെ ഒന്നെഴുതിയുണ്ടാക്കാൻ സാധിക്കുമോ? (*Laughter.*)

MR. K. GEORGE (*Chief Secretary to Government*): എഴുതിട്ടുള്ളതു കാണിക്കാം.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ശിക്ഷയെക്കാൾ തടുക്കയാണു വേണ്ടതെന്നു പറഞ്ഞല്ലോ. അതിനുള്ള വഴി എന്താണ്?

MR. K. GEORGE (*Chief Secretary to Government*): അതിനുണ്ട് ഈ വഴി.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): അങ്ങിനെയാണെങ്കിൽ ഈ രാജ്യത്തെ പത്രങ്ങൾ വേണ്ടെന്നു വയ്ക്കുകയല്ലേ കുറേക്കൂടി നല്ലത്?

MR. K. GEORGE (*Chief Secretary to Government*): നല്ല പത്രങ്ങളിരിക്കുന്നതു രാജ്യശ്രേയസ്സിനു നല്ലതാണ്.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ജനങ്ങളുടെ അഭിപ്രായത്തിനും ഗവർണ്മെൻറിന്റെ അഭിപ്രായത്തിനും വ്യത്യാസം ഉണ്ടായിരിക്കയില്ലേ?

MR. K. GEORGE (*Chief Secretary to Government*): അതു വന്നേയ്ക്കാം.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ശ്രീമൂലം പ്രജാസഭയിൽ മി: നാരായണപണിക്കർ പത്രങ്ങളെ നിയന്ത്രിക്കാൻ ഒരു

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[Mr. T. Kumara Pillai.]

റെഗുലേഷൻ വേണമെന്നു നിവേദനം കൊണ്ടുവന്നതായി പറഞ്ഞല്ലോ. ആ നിവേദനം അദ്ദേഹം അവതരിപ്പിച്ചിട്ടുണ്ടോ?

MR. K. GEORGE (*Chief Secretary to Government*): നല്ല നിശ്ചയമില്ല. റിക്കാഡുകൊണ്ടു പറഞ്ഞതാണു്.

MR. T KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): അന്നു ഞാൻകൂടി ഉണ്ടായിരുന്നതുകൊണ്ടു് എനിക്കു നല്ല നിശ്ചയമുണ്ടു്. അദ്ദേഹത്തിന്റെ അഭിപ്രായം ഇങ്ങിനെ ഒരു റഗുലേഷൻ ഉണ്ടാകണമെന്നാണോ?

MR. K. GEORGE (*Chief Secretary to Government*): ഏതു മാതിരി വേണമെന്നു പറഞ്ഞു എന്നു് എനിക്കറിഞ്ഞുകൂടാ. ഒരു നിയമം അവശ്യമാണെന്നു് അദ്ദേഹം പറഞ്ഞു.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): മി: ചങ്ങനാശ്ശേരി പരമേശ്വരൻപിള്ള ചില പത്രങ്ങൾക്കു സ്വീനതയുള്ളതായി അഭിപ്രായപ്പെട്ടു എന്നു പറഞ്ഞല്ലോ. അദ്ദേഹത്തിന്റെ പ്രസംഗം മുഴുവനും വായിച്ചിട്ടാണോ ചീഫ് സിക്രട്ടറി ഈ അഭിപ്രായം പുറപ്പെടുവിച്ചിട്ടുള്ളതു്.

MR. K. GEORGE (*Chief Secretary to Government*): വായിച്ചിട്ടുണ്ടു്.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ആ ഭാഗം മാത്രമെ വായിച്ചിട്ടുള്ളോ?

MR. K. GEORGE (*Chief Secretary to Government*): ആ ഭാഗത്തുള്ള അഭിപ്രായമാണു പറഞ്ഞതു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With regard to the blackmailing of some of the officers by the newspapers, may I know whether the officers are more liable to be blackmailed than the ordinary citizens?

MR. K. GEORGE (*Chief Secretary to Government*): With regard to those who are not officers, I do not know.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With regard to blackmailing, does not the remedy lie with the officers themselves?

MR. K. GEORGE (*Chief Secretary to Government*): In what way?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): They should not condescend to low means.

MR. K. GEORGE (*Chief Secretary to Government*): But terrorism is a thing which all men will be afraid of.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Suppose an officer discharges his duties satisfactorily. Has he anything to fear from these papers?

MR. K. GEORGE (*Chief Secretary to Government*): He has nothing to fear except the fact that foul and abusive things will be spread about him.

MR. K. K. THOMAS (*Kottayam*): Are the ordinary class of people terrorised?

MR. K. GEORGE (*Chief Secretary to Government*): I am not quite positive.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know why there is no provision in the Newspapers Regulation to check the use of obscene language?

MR. K. GEORGE (*Chief Secretary to Government*): There is my friend, the Law Member. He may be asked when he is speaking.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know why there is also no provision in the Regulation as to the qualifications of the editors of newspapers?

MR. K. GEORGE (*Chief Secretary to Government*): They are matters connected with the legal aspect of the Regulation which the Law Member will explain.

MR. C. P. THOMAS (*Nominated*): Is it the argument of Mr. George that legal steps could not be taken on those papers about articles published in them?

MR. K. GEORGE (*Chief Secretary to Government*): I am sorry, I do not like to read some of the articles. They are too indecent to be read out in this assembly.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): പത്രങ്ങൾ വായിക്കാതേയും അതിലടങ്ങിയകാര്യങ്ങൾ മനസ്സിലാക്കാതേയും ഇരിക്കയാണെങ്കിൽ ഇപ്പോഴത്തെ ലൈസൻസ് ഫീസ് ഏതു കണക്കനുസരിച്ചാണ് നിശ്ചയിച്ചിട്ടുള്ളത്?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know how this arises.

MR. M. SIVATANU PILLAI (*Tovala*): May I know why the Regulation was not placed before the Council?

MR. K. GEORGE (*Chief Secretary to Government*): That question will be dealt with by the Law Member.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): As a matter of policy, I would ask Mr. George whether he has not got anything to say about the method of promulgation of this Regulation?

MR. K. GEORGE (*Chief Secretary to Government*): I would leave even that to be answered by the Law Member who is also to speak on behalf of the Government.

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MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I think Mr. George said that the provisions in the Penal Code are not sufficiently effective. Have the provisions in the Penal Code been availed of?

MR. K. GEORGE (*Chief Secretary to Government*): I do not say they are not effective, but they do not meet the purpose in view; for, if a man is punished, he merely goes to the jail.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Does Mr. George say that the punishment is not deterrent to other offenders?

MR. K. GEORGE (*Chief Secretary to Government*): That depends upon the mentality of the offender.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Does Mr. George know of any prosecutions for sedition in Travancore?

MR. K. GEORGE (*Chief Secretary to Government*): I am told by the Law Member that there have been prosecutions.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): How many persons have been prosecuted for sedition till now?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know the exact number.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Have there been prosecutions for creating class hatred?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I know the number of prosecutions?

MR. K. GEORGE (*Chief Secretary to Government*): I believe, two.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I believe the Chief Secretary refers to the two prosecutions that occurred recently. Have there been any prosecutions before?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Have there been any prosecutions for using indecent language?

MR. K. GEORGE (*Chief Secretary to Government*): These are matters with which I am not acquainted.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Has Mr. George tried to ascertain that before he began to speak?

MR. K. GEORGE (*Chief Secretary to Government*): I did not think it necessary that I should also speak on points on which the Law member proposes to speak.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): In the interests of nobler ideals, is it not usual to condone even abusive language sometimes?

MR. K. GEORGE (*Chief Secretary to Government*): That depends upon the weight one attaches to obscenity.

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MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I am speaking of such obscene language as Mr. George has in his mind. Has Mr. George read Boccaccio's *Decameron*?

MR. K. GEORGE (*Chief Secretary to Government*): No, I have not.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Does Mr. George know that there is a copy of the book in the Public Library?

MR. K. GEORGE (*Chief Secretary to Government*): There may be.

MR CHANGANACHERY K. PARAMESARAN PILLAI (*Quilon*): Has Mr. George read The Merry Wives of Windsor?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, I have.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Was more abusive language used by the Travancore Press than in the Merry Wives of Windsor?

MR. K. GEORGE (*Chief Secretary to Government*): There, obscenity might be found here and there, but it is not widely read.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Is it not the case with The Merry Wives of Windsor?

MR. K. GEORGE (*Chief Secretary to Government*): It is a literary production and it is not aimed against individuals or living persons, nor is it so widely read.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): It is therefore I ask whether, in the interests of nobler ideals, such actions cannot be condoned.

MR. K. GEORGE (*Chief Secretary to Government*): I won't allow it whatever be the ideal.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Has not Mr. George the Old Testament in his house?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Does he not allow the Old Testament to be read by children?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Has he read the *Ramayana* and the *Mahabharata*?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, portions of them.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Are they read by his children?

MR. K. GEORGE (*Chief Secretary to Government*): I believe that some portions of these books are prescribed as text-books in schools.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Are there not obscene passages in them?

MR. K. GEORGE (*Chief Secretary to Government*): But they are literary productions, and, I believe, the obscene and objectionable passages are deleted in the text-books.

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MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : Does he not consider newspapers also as literary productions?

MR. K. GEORGE (*Chief Secretary to Government*) : They are ephemeral.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : Mr. George referred to my speech and said that I advocated the promulgation of Newspapers Regulation.

MR. K. GEORGE (*Chief Secretary to Government*) : I did not say that he advocated the Newspapers Regulation, but from his speech I was led to the conclusion that a Press Law was necessary.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : That is an inference. Is it not expressly stated in my speech that for the improvement of the conditions, no Press Law is required?

MR. K. GEORGE (*Chief Secretary to Government*) : I referred to that part of his speech where he has said that some of the newspapers were very scandalous in their methods and that they were partly responsible for the Press Law.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : But I have expressly stated that these things do not justify the promulgation of a Press Law.

MR. K. GEORGE (*Chief Secretary to Government*) : That is his opinion. But from the circumstances set forth, I drew the conclusion.

MR. KALLOOR NARAYANA PILLAI (*Chengannur* cum *Pattanamtitta*) : സർ, ഇപ്പോൾ നടപ്പിൽ വരുത്തിയിരിക്കുന്ന വൃത്താന്തപത്രനിയമം ഈ രാജ്യങ്ങളുടെ മനസ്ഥിതിക്കും ചിത്തസംസ്കരണത്തിനും യോജിച്ചതല്ലാ. രാജസ്ഥാനത്തിന്റെ അധികാരശക്തിയെ വിനിയോഗിച്ച് രാജഭക്തിയെ സ്ഥാപിക്കേണ്ട ആവശ്യകത ഈ രാജ്യത്തിൽ ഇല്ലെന്നമാത്രമല്ലാ ഈനിയമം ഞങ്ങളുടെ രാജഭക്തിക്കും സ്ഥിതിക്കും ആക്ഷേപയോഗ്യമായിട്ടുള്ളതുമാണ്. രാജഭക്തിയെ ധ്വംസിക്കുന്നതൊ രാജസ്ഥാനത്തെ ഹിംസിക്കുന്നതൊ ആയ ആദർശങ്ങളും ആശയങ്ങളും അടങ്ങിയ ഒരു പത്രത്തിന്ന് ഈ രാജ്യത്തിൽ ജീവിക്കാൻ സാധിക്കയില്ല. അതിനു ജനങ്ങളുടെ സഹാനുഭാവസഹകരണങ്ങൾ സിദ്ധിക്കുന്നതുമല്ലാ. രാജഭക്തന്മാരായ ഞങ്ങൾക്കു രാജകുടുംബത്തിന്റെ കാരുണ്യവും ദാക്ഷിണ്യവും നിമിത്തം സിദ്ധിച്ചിട്ടുള്ള ശ്രീമൂലം പ്രജാസഭ, അനുദ്യോഗസ്ഥഭൂരിപക്ഷമുള്ള നിയമനിർമ്മാണസഭ ഇവയുടെ അന്തരാത്മാവ് ഗ്രഹിക്കാൻ ശക്തരായുണ്ട്. രാജദ്രോഹകരമായ അഭിപ്രായങ്ങളെ പ്രചരിപ്പിക്കുന്ന വൃത്താന്തപത്രങ്ങളെ സംഹരിക്കാൻ ഉള്ള നിർദ്ദേശങ്ങളെ അങ്ങിനെയുള്ള കാലത്തു ഞങ്ങൾ

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തന്നെ നിർബന്ധപൂർവ്വം അവതരിപ്പിക്കുന്നതായിരിക്കും. അനുഗ്രഹീതമായ ഈ നിയമസഭയുടെ അറിവും സമ്മതവുംക്കൂടാതെ രാജസ്ഥാനത്തെ സംരക്ഷിക്കുവാനും ഗവർണ്മെൻറിനെ പരിപാലിക്കുവാനും ഒരു നിയമം രാജകീയമായി ഉണ്ടാക്കുന്നതു് ഈ മഹാസ്ഥാപനങ്ങളുടെ ഉദ്ദേശമഹത്വത്തെ ലഘൂകരിക്കുകയും ഞങ്ങളുടെ കൃത്യലോപത്തെ ലക്ഷീകരിക്കുകയും ചെയ്യുന്നതായിരിക്കും. രാജസ്ഥാനത്തെ അധിക്ഷേപിക്കാത്തപക്ഷം തിരുവിതാംക്കൂർ ജനങ്ങൾക്കു മരണശിക്ഷ നൽകുന്നതാണെന്നു് ഒരു നിയമം പ്രാബല്യത്തിൽ വരുത്തിയാൽതന്നെയും ഈ രാജ്യത്തിലുള്ള സകല ജനങ്ങളും നാമാവശേഷമാകയെയുള്ളു. ഈ ഏക കാരണം ഈ നിയമത്തിൻെറ അനുചിതനിർമ്മിതിയിൽ ജനങ്ങളെ സർവ്വത്ര ക്ഷോഭിപ്പിച്ചിട്ടുണ്ടു്. രാജ്യത്തിൻെറ നാനാഭാഗങ്ങളിലും ഇത്ര ഭയങ്കരമായ ഒരു പ്രക്ഷോഭവും സങ്കടവും ഉളവാക്കുന്ന ഒരു ഭയങ്കരസംഭവം ഇതിനു മുമ്പെ ഉണ്ടായിട്ടില്ല.

സർ, ഈ നിയമം ജനങ്ങളുടെ സ്വാതന്ത്ര്യത്തെ ഭഹിപ്പിക്കുന്ന ഒരു പരിതാപകരമായ അഗ്നിപാശമാണു്. പത്രങ്ങളുടെ വിനാശം നിമിത്തം പത്രപ്രവർത്തകന്മാർക്കുണ്ടാകാവുന്നതിനെക്കാൾ കഠിനതരമായ ഉപദ്രവം ജനങ്ങൾക്കുതന്നെ. ജനങ്ങളുടെ രക്ഷനയും അവരുടെ അനുദ്യോഗസ്ഥ ഗവർണ്മെൻറും നീതിധർമ്മപരിപാലത്തിനായുള്ള ആയുധവും വൃത്താന്തപത്രമാണു്. ജനങ്ങളുടെ സഹകരണംകൊണ്ടാണു പത്രങ്ങൾ ജീവിക്കുന്നതു്. പത്രപ്രവർത്തകന്മാരുടെ സാമർത്ഥ്യംകൊണ്ടുമാത്രമല്ലാ. നീചമായ മനോഭാവത്തെ വിതരണം ചെയ്യുന്ന വർത്തമാനപത്രങ്ങളെ ശിക്ഷിക്കാൻ നിയമമുണ്ടു്. അവക്കു ദാനംചെയ്യുന്ന ശിക്ഷ കഠിനതരമായിരുന്നാൽപോലും ജനങ്ങൾക്കു സാർവ്വത്രികമായ ക്ഷോഭം ഉണ്ടാകുന്നില്ലാ, ഉണ്ടാകയുമില്ലാ. ഈ നിയമത്തെ അനുകൂലിച്ചു സ്വാർത്ഥലാഭത്തെ ആഗ്രഹിക്കുന്ന നികൃഷ്ട വൃത്തയങ്ങളിലും ഇതിൻെറ കാഠിന്യം സ്ഫുരിച്ചുകാണുന്നു. ഈ നിയമബന്ധുക്കൾപോലും ഇതിനെ സ്തുതിക്കുന്നില്ലാ. രാജ്യത്തിനു പൊതുവെ സംഭവിക്കുന്ന ഉദ്യോഗത്തിനേയും സ്വാതന്ത്ര്യനാശത്തേയും സ്തുതിച്ചു് അതിൻെറ നീചമായ പ്രയോജനത്തെ അനുഭവിക്കുവാൻ അറിയാൻ പാടില്ലാത്തതുകൊണ്ടല്ലാ ഞങ്ങൾ ഇതിനെ പ്രതിഷേധിക്കുന്നതു്. അതിൻെറ ഭാവിഫലം ശാശ്വതമായ ദോഷത്തിനു കാരണമായി പരിണമിക്കുമെന്നു മാത്രം ഉദ്ദേശിച്ചാണു്. ഇപ്പോൾ കാണുന്ന ഈ പ്രക്ഷോഭവും അസംതൃപ്തിയും നിസ്സാരതരങ്ങളാണെന്നു ഗവർണ്മെൻറിനെ ഉൽബോധിപ്പിക്കുവാൻ ശ്രമിക്കുന്നവർ ആരെങ്കിലും ഉണ്ടെങ്കിൽ

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[Mr. Kallur Narayana Pillai.]

അവർ ഗവർണ്മെൻറിന്റെ പരമ ശത്രുക്കളാണെന്ന കരുതേണ്ടതാണ്. ജനങ്ങളും ഗവർണ്മെൻറുദ്യോഗസ്ഥന്മാരും രണ്ടു സ്ഥാനങ്ങളിൽ നിന്ന മത്സരയുദ്ധം നടത്തേണ്ടവരല്ലാ. ജനങ്ങളിൽനിന്നും ഗവർണ്മെൻറുദ്യോഗസ്ഥന്മാർ നിയമിക്കപ്പെടുന്നു. ജനക്ഷേമത്തിനുവേണ്ടി വേല ചെയ്യുവാൻ സന്നദ്ധരാകുന്നവരാണ് ഗവർണ്മെൻറുദ്യോഗസ്ഥന്മാർ. അവരുടെ ഉദ്യോഗകാലാവധി കഴിഞ്ഞാൽ അവരും ജനസാമാന്യത്തിൽ ഉൾപ്പെടുന്നു. ഇവിടത്തെ ഉദ്യോഗസ്ഥന്മാർ ചീട്ടുകളിയിലെ തുറുപ്പിന്റെ സ്ഥാനമാണ അർഹിക്കുന്നത്. തുറുപ്പിന്റെ സ്ഥാനം കിട്ടിയാൽ അതിലെ തുച്ഛമായ ആറാംപന്തിനും തുറുപ്പല്ലാത്ത രാജാവിനേയും മറ്റും വെട്ടിതാഴ്ത്തുവാനാണ് ശ്രമം. അഴിച്ചു കലയ്ക്കുമെന്നും തുറുപ്പിന്റെ സ്ഥാനം ശാശ്വതമല്ലെന്നും താൻ ഒരു ആറാംപന്താണെന്നും ആപന്ത് വിചാരിക്കുന്നില്ലാ. പരസ്പരവിശ്വാസമില്ലാതെ ഗവർണ്മെൻറും ജനങ്ങളും ജീവിക്കുന്നതു സാദ്ധ്യമല്ലാ. എപ്പോഴും അതു വിധം അവിശ്വാസം ഉത്ഭവിക്കുന്നുവൊ അതിനുള്ള കാരണത്തെ ഉടൻ നശിപ്പിക്കേണ്ടതാണ്. അതാണ് രാജ്യക്ഷേമത്തിനു ഏകനിദാനമായിട്ടുള്ളതു്. ഒരു മന്ത്രിസത്തമന്റെ ആദർശം എപ്പോഴും അതായിരിക്കണം. ഈ മന്ത്രിപീഠം രാജാകേശവദാസ് മുതലായ മന്ത്രിസത്തമന്മാർ അലങ്കരിച്ചിരുന്നതാണെന്ന് എപ്പോഴും ഓർമ്മവേണം.

ബ്രിട്ടീഷ് ഇൻഡ്യയും ഈ വഞ്ചിനാടും തമ്മിൽ വളരെ അന്തരമുണ്ട്. ഭരണനയത്തിനു് ഒരിക്കലും സാദൃശ്യം വരുത്തത്തക്കതല്ലാ. ബ്രിട്ടീഷു ഇൻഡ്യയുടെ ഭരണാദർശങ്ങളെ ലാക്കാക്കുവാൻ തിരുവിതാംകൂർ ഗവർണ്മെൻറു് ഒരുകാലത്തും സന്നദ്ധരാകരുതു്. ബ്രിട്ടീഷ് ഇൻഡ്യാ ഒരു വിദേശ ചക്രവർത്തിക്കു് യുദ്ധംചെയ്തു കീഴടങ്ങപ്പെട്ട രാജ്യമാണ്. അതിന്റെ ഉടമസ്ഥന്മാരെത്തന്നെ ആ രാജ്യത്തു് അധിവസിച്ചുകൊള്ളുവാൻ അനുവദിച്ചിരിക്കുന്നു. അവരെ മർദ്ദനനിയമംകൊണ്ടു കീഴടക്കിക്കൊണ്ടിരുന്നില്ല എങ്കിൽ അവിടത്തെ മേൽക്കോയ്മ സ്ഥാനം സുസ്ഥിരമായിരിക്കയില്ലെന്ന് ആ വിദേശ ഗവർണ്മെൻറു് എക്കാലത്തും സംശയിച്ചുകൊണ്ടിരിക്കും. നമ്മുടെ ഗവർണ്മെൻറു് ആ മാതിരിയല്ലാ. നമ്മുടെ രാജസ്ഥാനത്തിന്റെ സുസ്ഥിരതയ്ക്കുവേണ്ടി നമ്മുടെ പൂർവ്വീകന്മാർ അവരുടെ ജീവിതരക്തം വർഷിച്ചവരാണ്; അവരുടെ സന്താനവർഗ്ഗത്തിൽപ്പെട്ടവരാണ് ഇന്നത്തെ പ്രജാസഞ്ചയം. നമ്മുടെ രാജഭക്തി നമുക്കു ജനനാൽത്തന്നെ നമ്മുടെ രക്ത

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ത്തോടും സിരയോടും ബന്ധിക്കപ്പെട്ടിട്ടുള്ളതാണ്. നമ്മുടെ രാജസ്ഥാനത്തെയോ രാജ്യത്തെയൊ ഭക്തിയോടുകൂടി സ്നേഹിക്കാത്തവർ ഈ നാട്ടിൽ ഉണ്ടായിരിക്കയില്ലാ, ഉണ്ടാകയുമില്ലാ. നാം ഒരു കുടുംബത്തിലെ അംഗങ്ങളാണ്. ര ാ ലക്ഷത്തിൽ പരം അംഗങ്ങൾ പല കുടുംബങ്ങളായി നിരന്നു താമസിക്കുന്നു എങ്കിലും വഞ്ചിരാജ്യമാകുന്ന പൊതുത്തറവാട്ടിനെ സംരക്ഷിക്കുന്ന കാരണവസ്ഥാനം നമ്മുടെ പൊന്നുതമ്പുരാക്കന്മാരിൽ സ്ഥിതിചെയ്യുന്നു. മക്കവഴിക്കാക്ക് അമ്മാവന്റെ സ്ഥാനവും അവിടെത്തന്നെ. ഇപ്രകാരമുള്ള ഒരു കുടുംബത്തിലെ ഭരണക്രമത്തെ നിയന്ത്രിക്കുന്നതിനു ബ്രിട്ടീഷു് ഇൻഡ്യയിലെ നിയമങ്ങളെയല്ലാ പകരത്തേണ്ടതു്.

റൌലറു് ആക്ടു് മുതലായ മർദ്ദനനിയമങ്ങളെ നടപ്പിൽ വരുത്തിയ ബ്രിട്ടീഷ് ഗവർണ്മെൻറുപോലും ഇപ്രകാരമുള്ള ഒരു വൃത്താന്തപത്രറഗുലേഷൻ അവിടെ നടപ്പിൽ വരുത്തീട്ടില്ലാ. ഈ നാട്ടുകാർ രാജദ്രോഹികളാണെന്നൊ രാജദ്രോഹപരമായ കൃത്യങ്ങൾ ചെയ്യുന്നതിനു മനസ്ഥിതിയുള്ളവരെന്നൊ ഉള്ള അപഖ്യാതി ഈ നിയമശാസനത്താൽ പറ്റുവന്നിരിക്കുന്നതാണു് ഞങ്ങൾക്കു അസഹ്യമായ വേദനക്കു കാരണമായിട്ടുള്ളതു്. ഈ ക്രൂരമനയുള്ള നിയമശാസനമാകുന്ന ശൂലത്തെ ഞങ്ങളുടെ കഴുത്തിൽ കുത്തി അമർത്തിയിട്ടു ഞങ്ങളിൽ രാജഭക്തി ഉണ്ടാകേണ്ടതായിരിക്കുന്നില്ലാ. ആ നിലയിൽ ഉണ്ടാകുന്നതു രാജ്ഭക്തിയുമല്ല. ഈ വഞ്ചിരാജ്യലക്ഷ്മിക്കു ക്രൂരമുഖങ്ങളോടുകൂടിയ ഒരു അകക്കരു നിഴലിച്ചതായിട്ടുള്ള ബാഹ്യലക്ഷണമാണു് കണ്ടുതുടങ്ങിയിരിക്കുന്നതു്. ഇതിനെ പൊട്ടാതെയൊ പൊട്ടിക്കാതെയൊ സൂക്ഷിക്കണം. ഞങ്ങളുടെ മഹാറാണിദീജൻറു തിരുമനസ്സുകൊണ്ടു കരുണാശീതളമാനസയാണെന്നു ഞങ്ങൾക്കറിയാം. ആ തിരുമേനിയെ വേണ്ടുംപ്രകാരം ഉപദേശിക്കുന്നപക്ഷം ഈ നിയമശാസനത്തെ ഉടനടി റദ്ദു ചെയ്യുമെന്നാണു് ഞങ്ങളുടെ വിശ്വാസം.

രാജസ്ഥാനം നിയമശാസനത്തിനും അപരാധത്തിനും ഉപരിയാണെന്നു് അവിടുന്നോക്കണം. അവിടുന്നു സത്യത്തിന്റെയും നീതിയുടേയും പ്രതിപുരുഷനാണെന്നു ഞങ്ങൾക്കറിയാം. ദുഷ്പ്രഭുത്വത്തിൽ ചരിക്കരുതു്. അവിടുന്നു് ഈ മന്ത്രിപദം ഏറ്റ അവസരത്തിൽ ഈ നാട്ടുകാരന്റെ നിലയിൽ ജനക്ഷേമത്തെ മുൻനിർത്തി പ്രവൃത്തിക്കുന്നതാണെന്നു പ്രസ്ഥാവിച്ചതായ ആ മുദ്രവചനത്തെ സാർത്ഥമാക്കിത്തീർക്കുമെന്നു വിശ്വസിക്കുകയും ആശിക്കുകയും ചെയ്തുകൊണ്ടു് എന്റെ ഈ പ്രസംഗത്തെ അവസാനിപ്പിക്കുന്നു.

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I also rise to oppose the motion of Mr. K. P. Nilakanta Pillai. The criticisms urged by him against the Newspapers Regulation fall under two broad classes, one in regard to the method of the enactment of the Regulation and the other in regard to the substance of the Regulation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): And the circumstances also.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That would relate to the substance. In regard to the method of enactment, I believe it is not denied by any member on the other side that the Regulation is valid, or that the Sovereign is competent to pass a law. In fact, it is undeniable. If any member denied that, I would only remind him that the very seat he occupies and the very place from which he speaks is founded on that very power which has enacted this Regulation. The Sovereign is the superior legislative body in Travancore, and it is such a well-recognised position that I need not proceed to support it by argument. Now that the Regulation has actually been passed and it has been passed in the exercise of a valid and well-recognised power, the only question that can reasonably arise now is in regard to the substance of it, that is to say, whether it is desirable or undesirable or necessary or unnecessary or something of that sort. But it has been asked, why was not the law passed after reference to this Legislative Council. With regard to that, I would only say that it was not considered by the Government expedient to do so.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is the direct method of legislation used frequently? Is it not to be used only when other methods fail?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That latter statement, I deny emphatically. The power may be used whenever necessary and not merely when other methods fail.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it to be used on ordinary occasions or only on emergent occasions.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The power is there; and it may be exercised whenever it is felt necessary.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I ask the Law Member whether it is expedient to pass legislative enactments independently of the Legislative Council in regard to those matters which may be brought before the Council.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Expediency depends on many considerations. In this particular instance, it has been considered expedient by the Government to pass the law without reference to the Legislative Council.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know what the particular circumstances were which influenced the Government in taking this measure out of the Legislative Council?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I would only say that, in the opinion of the Government, it was thought expedient not to pass this law through the Legislative Council.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I ask the Law Member if he is prepared to explain it further?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. I am not prepared to discuss it further, as such a course would necessarily lead to a discussion of the conduct of the Sovereign.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I ask whether Mr. Kayyalam Paramesvaran Pillai had any hand in the Regulation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not a matter of public concern, and I am not prepared to discuss that question.

MR. K. K. THOMAS (*Kottayam*): Mr. Nilakanta Pillai stated in his speech doubting the power of the Sovereign to pass such laws. What does the Law Member say about that?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No doubt, one expression he used would mean that he doubted the legality of the enactment. But from his speech, as a whole, I did not understand that he doubted the power of the Sovereign.

The more important point, as I said, is the second one relating to the substance of the Regulation. The object of the Regulation, as is explained in the preamble to the Regulation, is to bring under better, *i. e.*, more effective, control the Newspapers in Travancore. The acts (I shall for the sake of brevity call them newspaper offences) that are sought to be checked and prevented by the Regulation are (1) sedition in which may be included, bringing into contempt or hatred the Sovereign or the Government of the country or His Imperial Majesty or His Imperial Majesty's Government.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I ask him whether such seditions were made in any newspapers against the Imperial Government?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am just now speaking of the provisions of the Regulation. Section 5 deals with the acts referred to.

To continue, the newspaper offences sought to be checked and prevented are (1) sedition, (2) contempt of any Member of the Ruling Family of Travancore, (3) promotion of class hatred, (4) habitual defamation, and (5) habitual dissemination of false information.

Strictly speaking, some of these acts are not offences under the Penal Code, for instance, numbers 2 and 5, that is, contempt of any member of the Ruling Family and dissemination of false information. These are not *per se* offences under the Penal Code. No. 3, promotion of class hatred in the Regulation, is even broader than that offence as defined in the Penal Code.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Would it not amount to the offence of defamation to bring into contempt any member of the Royal Family as in the case of any ordinary citizen?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may amount to defamation, but need not necessarily. That is why I said that these are not *per se* offences under the Penal Code. Although the Regulation thus covers a larger number of newspaper offences than the Penal Code, I am sure none of the members of this House would say that any of these acts is anything other than blameworthy or reprehensible. Whatever be the reason underlying the enactment of a special law, the acts made penal thereunder are all of them undoubtedly reprehensible, and nobody will contend that he wants liberty to commit any of those acts, and there cannot be any grievance on that score.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it for the purpose of creating new offences that this law is enacted?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not the object. The object as I said already is to provide for the exercise of more effective control over newspapers. I was only saying that there can be no grievance on the ground of restriction of liberty; because, liberty will not be claimed for indulging in these reprehensible acts. But the question was raised whether the general law of the country as laid down by the Penal Code and the Press Regulation of 1079 is not sufficient, whether the punishment under the Penal Code is not sufficient to meet the situation, to check and prevent the offences. I submit that it is not, in the peculiar condition of journalism in Travancore at any rate. Of course, as I said before, the offences under the Newspapers Regulation cover a larger field. But even apart from that, my point is that the provisions of the Penal Code are not sufficient to meet the situation here. For the purpose of showing that, I shall assume that, substantially, all the newspaper offences referred to are offences under the Penal Code also, and I shall also assume that the punishment under the Penal Code is adequate. But whom does the Penal Code punish and whom does it reach? It reaches the declared printer and publisher and may reach also the editor, if he is known, which is not always or generally the case. But it does not touch the newspaper itself, the weapon by means of which the offence was committed. The Government consider that it is not enough merely to punish the declared publisher or even the editor, the nominal outward representative of a newspaper, but that it is very necessary to strike at the weapon itself, that is to say, the newspaper, so that it may act as an additional deterrent and so that, more particularly, it may act as an effective preventive of the continuance or repetition of the offences.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I ask the Law Member whether there are not provisions in the Criminal Procedure Code to deal with weapons?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sikar Vakil*): Yes, in the Criminal Procedure Code there are such provisions. That Code provides for the confiscation and destruction of the weapons with which an offence has been committed. The member has only to extend

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the analogy to find the justification for the provisions in the Newspapers Regulation.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I ask him whether the provisions in the Criminal Procedure Code are not sufficient?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They are not enough so far as a newspaper is concerned.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there not a provision in the Criminal Procedure Code for the destruction of libellous and obscene matter? Will not that apply to newspapers?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, there is a provision. That may probably be applied to the particular copy of a particular issue produced in court and which contains the offending matter. But it will not certainly apply to the newspaper, which is an entity by itself, apart from its various issues. Even granting that a particular issue and its various copies may be confiscated and destroyed, it cannot affect the newspaper itself which may continue to exist and continue to function. The newspaper must be treated as an entity in itself, something like a corporation, and it does have such an existence apart from its issues and apart also from its declared printer and publisher and its editor, if known, who are but the outward representatives of the newspaper. Even *a priori* speaking, there is nothing wrong in punishing also the newspaper itself if it commits an offence. If, further, I am able to convince this House that, in respect of a certain section of the Travancore newspapers, it is not enough merely to punish the outward representatives, the declared printer and publisher or editor, but it is necessary to strike at the paper itself, it must follow that the Regulation has done nothing more than carry out that purpose. As I said, the Penal Code does not and cannot touch the paper. It touches only the outward representatives, the printer and publisher and editor, if he is known. But it cannot go beyond that. So far as a particular section of the Travancore papers is concerned, it is well-known that its declared printer and publisher are men without any status or character. It may not even have any declared editor. If there is, even he may be one of no status and no character.

MR. M. SIVATANU PILLAI (*Tovala*): May I ask the Law Member whether any paper can exist without an editor?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It cannot really. But a paper can exist without the editor being declared or known, and even if there is a declared editor, the real man who runs the paper may be behind the screen.

MR. M. SIVATANU PILLAI (*Tovala*): Would there be any paper without any printer and publisher or editor?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There will of course be a declared printer and publisher. There need not be an editor like that. But let us take it that there will also be a declared editor. But they all may be, and very often are, mere nominal persons, mere dummies, if I may so call them for the purpose of bringing home to the House the idea that is in my mind. The declared

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[Mr. Kayyalam Parameswaran Pillai.]

printer and publisher is very often a servant or compositor or an errand boy, a veritable dummy who is quite innocent of the contents of the paper of which the law holds he is the publisher and for which he may have to go to the jail. An editor, if known at all (which need not be), may not be any better. He may be a dummy too, while the real man who runs the paper is behind that man whose punishment alone will affect the paper. These dummy editors and dummy publishers are generally men of no status or character, men who think that the inside of a convicts' jail is as good as, if not better than, the outside of it.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does the member know that there are members of this Council who are editors of newspapers?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, I see there are.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): What has he to say with regard to the word "dummy" with reference to those persons?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have only to repeat what the Chief Secretary has already said. There are good editors and bad editors. All the journals of Travancore are not of the class I referred to. I have the greatest respect for journalism. It has a noble function to perform. And there are honourable journals in Travancore, and I respect them, and the Government too have respect for them. But it does not follow from this that the black sheep among the journals deserve respect.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I ask the Law Member how many newspapers there are in Travancore?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think about 60 or so, besides periodicals.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): What are the newspapers of which he is complaining?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not want to name any newspaper, and it is not necessary for our purpose.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know the number of such newspapers?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot say the exact number. Even that is not necessary for our purpose. Suffice it to say that there does exist a class of such newspapers and that others too may follow suit. If the dummy printers and publishers or dummy editors of the class of newspapers referred to by the Chief Secretary are convicted and sent to jail, what purpose can it serve? They may rot in the jail, but the newspapers will continue as before flourishing in its pernicious ways. What is the remedy? The natural answer is, and must be, punish the paper itself.

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MR. K. I. JOSEPH (*Minachil cum Devicolam*): May I ask the Law Member whether it is not enough if the printers and publishers are punished?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. It is not, if they are but dummies. The man behind will get other dummy printers and publishers and continue the paper. I am glad to find that my friend is appreciating the point that I am at.

MR. K. I. JOSEPH (*Minachil cum Devicolam*): I really appreciate that point so far as the printers and publishers are concerned.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I must thank him for it. If then, it is not enough if only the declared publisher is punished, it must follow that we must strike at the newspaper itself, the weapon with which the offence was committed and take away and destroy that weapon so that it may not be used again.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): Is there any provision in the Regulation to prevent such 'dummyism'?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not directly. If the paper itself can be got at, as can be, under the Regulation, 'dummyism' serves no purpose. It pays no more. The paper itself can be got at and destroyed, because the Government may cancel the license of the paper; and, without a license, the paper cannot be printed or published and then the paper is as good as dead for ever.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): But would the editor be punished?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not under this Regulation. He will get his punishment in the criminal courts under the Penal Code.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If the editor is punished, can he not begin again another paper?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is exactly my point. And so, it is provided that a paper cannot be started without a license and that the license of an offending paper may be cancelled. If there is no provision as in the Newspapers Regulation, dummy publisher after dummy publisher and dummy editor after dummy editor may go to jail, but the paper will go on for ever in its nefarious ways under the *aegis* of the men or party behind the scene.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): ഈ ന്യൂനതകളെ പരിഹരിക്കാൻ പീനൽ കോഡിലുള്ള വകുപ്പുകളെ അനുരൂപമായ വിധം ഭേദഗതിചെയ്യാൽ പോരേ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): പോരാ.

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MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): പത്രങ്ങളെ സംബന്ധിച്ചിടത്തോളം ഉണ്ടെന്നും ഇല്ലെന്നും പറയാനുള്ള അധികാരം ഗവർണ്മെൻറുതന്നെ വച്ചു കൊണ്ടിരിക്കണമെന്നാണോ പറയുന്നത്?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഞാൻ ഇപ്പോഴം പറഞ്ഞതു് അങ്ങിനെയല്ല. ശിക്ഷിച്ചാൽ പോരാ, പത്രങ്ങളേയും തടുക്കണമെന്നാണ് ഞാൻ പറയുന്നതു്.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): ഹൈക്കോടതിയെ സംബന്ധിച്ചു വല്ലതും ചെയ്തിട്ടുണ്ടോ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതിന്റെ അർത്ഥം മനസ്സിലായില്ല.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): ഇപ്പോൾ പത്രങ്ങൾ എന്തെങ്കിലും തെറ്റു ചെയ്താൽ പത്രങ്ങളെ നിരുത്താനുള്ള അധികാരം ഗവർണ്മെൻറു വച്ചുകൊണ്ടിരിക്കയാണു്.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതേ, അങ്ങനെയുണ്ടു്.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): പിന്നൽ കോടതികാരം പ്രിണ്ടറേയും പത്രാധിപരേയും മാത്രമേ ശിക്ഷിക്കാവു.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതേ.

MR. T. KUMARA PILLAI (*Kalkulam cum Vilavankod*): ഒരു പത്രം ഗവർണ്മെൻറു ചിത്തയാണെന്നു പറയുമ്പോൾ അതിനെ സംബന്ധിച്ചുള്ള ഹൈക്കോടതിയുടെ അഭിപ്രായം പറയുന്നതിനു് അവസരം കൊടുത്തിട്ടില്ല.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഉണ്ടെന്നാണു ഞാൻ പറയാൻ പോകുന്നതു്. അതിനു ഹൈക്കോടതിയിലേക്കു് അധികാരം കൊടുത്തിട്ടുണ്ടു്.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): Does the Regulation contemplate a trial in the High Court?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, it does, for all practical purposes.

I have been speaking of the dummy publishers and editors, men of no status, means or character.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I ask the Law Member whether this argument that men without any qualification who could not get any other employment are running these papers as printers and publishers, cuts at the root of Mr. George's argument?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, it supports Mr. George's argument. It is men without any status or means that are put forward as editors and printers and publishers of a certain class of newspapers. That is one class which the new law is designed to meet.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I ask the Law Member whether he is speaking from any record in the possession of the Government to the effect that there is some sort of dummy arrangements or is it only from his personal experience?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not merely from personal experience.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Are there not officers of Government who also play behind these papers?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may or may not be. But that—

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Is the Law Member—

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): He has not yet answered Mr. Nilakanta Pillai. He must answer one question before another question is put to him.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Neither has he answered mine.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member kindly repeat the question?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My question is whether there is any record in the possession of the Government showing that there is some kind of dummy arrangement or is the member speaking only from personal experience.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government are in possession of information that there are a class of papers which are run from behind the scene and the punishment of the printer and publisher of which will not at all affect the real man or party who runs the paper.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I ask the Law Member whether many papers have been discovered to have dummy printers and publishers?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I said before, I do not want to name any papers But we have reliable information. And I believe the non-officials also may agree.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What is the nature of the records which the Government are in possession of and which cannot be divulged?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The information I referred to cannot be published.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Are these confidential papers?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The information is confidential.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): On which he claims privilege, I suppose?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. It may be taken like that.

Then, there is another class of papers which are really run by unscrupulous men, men of no means and no status, men who do not consider it a disgrace to go to the jail. In Travancore, one does not want much to run a paper. If one has ten rupees in his pocket he can get a paper printed, say two or three hundred copies of it.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I ask Mr. Kayyalam Paramesvaran Pillai to give an instance where a dummy editor went to the jail and the man who was behind the paper started another paper through another dummy editor?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There need not be any actual occurrence like that. We know that if the dummy goes to the jail, the paper will go on all the same. There is no necessity to experiment it. It is not a question of starting another. The same paper will go on with other dummy publishers or editors.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Is it merely a guess?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not at all a guess. It is the actual diagnosis of the situation.

To resume what I was at, before the law came into operation, it was quite possible for a paper being started with but ten rupees in one's pocket. So that, a man of no means and a man of hardly any stake in the respectable world may run a paper. If he goes to the jail, there will be others fired by his example. It is within the experience of everybody that, in Travancore, papers spring up like mushrooms and also go out like that. What is the use of punishing the editors of such papers. We must see that such papers do not exist and do not spring up. The Newspapers Regulation is designed to meet this class of papers also. For, without a licence, for which a fee has to be paid, no paper can exist.

It would be seen that, in Travancore, the number of newspapers is very large. If we compare the number of newspapers here with that in other Indian States, say Mysore, or Cochin, or Baroda, we will see that we have got an inordinately large number here. Area for area and population for population, we have a larger number of papers here than elsewhere.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does the Law Member grudge this?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not grudge the number, provided that all these papers are of a good type.

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Our economic condition is not better than other parts of India and, of course, not better than Europe or America. How are our papers living then?

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*) : അവിടേയും ഇവിടേയും ഉള്ള പിറ്റേസിയുടെ വ്യത്യാസത്തിന് അനുരൂപമായിട്ടാണൊ പത്രങ്ങളും വരിച്ചുവരുന്നത്?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അതുകൊണ്ടുമാത്രം വരിക്കാൻ ഇടയില്ല. ഇക്കണോമിക്ക കണ്ടിഷൻകൂടി സഹായിക്കണം. Papers have to live. If they live rightly, they have to depend upon the public for their sustenance.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): How many Vernacular school teachers are there in the State?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : 8000, or so, I believe.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : No, it is about 14,000, including the aided school teachers.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, I think that figure may be correct. I am prepared to accept that number.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : Is it not a fact that all these schoolmasters desire to read newspapers?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes. That is my opinion too.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Is it not a fact that even cooks and other menial servants read newspapers?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Though it may not be literally true, it is true in substance. They have all a desire to read newspapers. But where is the money for them to buy a paper? Can they afford it? Do all of them buy a copy?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not a fact that Vernacular school teachers cannot afford to pay for more than one paper?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is exactly my point.

Every man wants to read newspapers. But everybody cannot afford to pay for it. One copy is read by many. The literacy in the country generates a desire to read. And they do read. And what dirty stuff they read! However, all these do not pay for a paper and cannot afford to pay. How then do these papers exist and continue to exist?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Was reduction in the number of newspapers one of the objects with which the Regulation has been promulgated?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am simply referring to a particularly low class of papers that exist in Travancore and which continue to live by means which are not respectable. They pander to sensationalism, communal jealousies, class hatred and contempt of everything held in reverence, and thrive by bribes for writing this stuff, and by blackmail extorted from a kind of peace-loving men.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Does the Law Member suggest that some of them live by objectionable means?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Some of them do.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Was he not himself an editor of a newspaper?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, he was not.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Was he in any way connected with the Trivandrum Daily News?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Was it a paying concern?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a purely private matter; certainly, I am not expected to discuss it here.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): What does Mr. Kayyalam Paramesvaran Pillai say about the provision in the Regulation where the judge and the prosecutor are combined in one person?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall come to that presently. I was dealing with the quality of a certain class of journals thriving in Travancore. As even Mr. Changanachery Paramesvaran Pillai appears to question my delineation of the character of the class referred to, I shall read what he himself said as the President of a protest meeting held at Trivandrum in regard to the Newspapers Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is the member at liberty to refer to newspaper cuttings?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am referring to the statements publicly made by an honourable member of this House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I once attempted to put the question, but the President told me the other day that the Government would not take note of unguaranteed statements in newspapers.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not referring to unguaranteed statements. I am referring to a speech that has been reported.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Anyhow, that is from a newspaper.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be. But it is the speech of an honourable member of this House I am referring to. He may challenge it if it is incorrect.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): A ruling has not been given.

PRESIDENT: The member is entitled to read from a report of the speech in whatever form it may be.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This is what Mr. Changanachery Paramesvaran Pillai has said.

"I regret very much that I cannot be true to myself if I did not give expression to my conviction that the newspapers in this country cannot be wholly exonerated from the charge of having themselves, to a great extent, to blame for this fate".

The fate referred to is the fate of having drawn upon themselves the enactment of the Newspapers Regulation. Mr. Changanachery Paramesvaran Pillai then proceeds to say as follows:—

"Although most of the newspapers are conducted with noble ideals and purely patriotic motives, we cannot say the same thing of some of them..... Some papers are started for the purpose of merely making a living for the editor, not particularly over-scrupulous about the means. Such editors do not scruple to blackmail people or to heap abuse, sometimes vulgar, upon those who refuse to be victimised by them. Some editors think that papers exist for the purpose of venting their personal spite on their opponents.

This is exactly my point too. There are a class of papers in Travancore whose editors and publishers are not men of status or men of means or men of any character, but are, on the other hand, unscrupulous people who want to make a living by any, even the foulest, means. How can the conviction of such people mend or end the class of papers? So we want to strike at the paper itself.

MR. P. K. NARAYANA PILLAI (*Amlalapuzha*): Is it upon the sole authority of the particular speech that the Law Member is making a statement?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Certainly not. I refer to the speech as it so entirely supports my view of a certain class of papers in Travancore.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Has he gone into the entire proceedings of the protest meeting?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, I have read them at the time they were published.

MR. P. K. NARAYANA PILLAI (*Amlalapuzha*): Was any objection taken?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not remember. To-day, I read only the speech.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Does he find any voice of protest in the report?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not in the speech portion, which alone I read this morning.

MR. C. P. THOMAS (*Nominated*): Does not the Law Member think that weight must be attached to Mr. Paramesvaran Pillai's opinion?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. Mr. Changanachery Paramesvaran Pillai has been in public life, I think, for more than two decades, and he must have been watching the course of public organs like newspapers. Weight must be attached to his diagnosis of the situation and I accept it; it also agrees with mine.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Does he not give equal weight to the opinion expressed by other members?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Oh, Yes. I am prepared to give due weight to the opinion of every member of this House, especially in regard to the truth of facts.

Thus then, in regard to the facts of the cases, I see there is little or no difference between me and the other side. I may say in this connection, that, in the recent prosecution of a paper, the counsel for the Editor of it admitted in the High Court that the Editor was an obscure man. So that, if the facts are as I have tried to establish, it must follow that the Penal Code provisions are not sufficient as they do not strike at the paper itself which may continue to repeat the offence. What to do under such circumstances? What is the remedy? On the facts even admitted by the other side, there is a dangerous evil. How to avert it effectively? The Government have devised the means provided for by the Newspapers Regulation.

PRESIDENT: Mr. Paramesvaran Pillai, your time is up.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Just a minute or two to answer one or two questions raised by the other side.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will the President be able to give us an extension of time for discussion?

PRESIDENT: Within reasonable limits. If the member is heckled with a running fire of questions, he cannot be expected to finish in time.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We want some more time after lunch.

PRESIDENT: I am prepared to meet the wishes of the non-official members within reasonable limits.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know if it is in addition to the 2½ hours?

PRESIDENT: Yes.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): That will mean also, I suppose, that the members may take a longer time.

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : A question was put to me whether the Government are not the final judge in the proceedings under the Regulation.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : May I know whether the judge and the prosecutor are not combined in one person?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is not quite correct to say that, though to some extent such an interpretation may be put on the provisions relating to the cancellation of the license which is done by the Government. But it must be noted that there is a provision under which the matter can be referred to the High Court where the matter will be decided by a Bench consisting of three Judges to whom it is open to set aside the order of the Government. Thus, the final word is with the highest court in the land, and if that is so, how can the judge and prosecutor be one person?

MR. C P. THOMAS (*Nominated*): May I know whether the aggrieved party should approach the Government or the Government would send the papers to the High Court?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The aggrieved party requests the Government to cancel the order or to refer the matter to the High Court.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not optional for the Government to send the papers to the High Court?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, the Government must either revoke their order or *must* send the case to the High Court. There is no other course open.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Does not the Regulation provide that the paper should be stopped during the interval if the license is cancelled?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It will have to be stopped.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): How long will it take for the High Court to decide the case?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It may be two weeks or two months. It will depend on the contentions raised.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Ordinarily, how much time will be taken?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : We cannot say definitely. It may be short or long.

MR. C. P. THOMAS (*Nominated*) : Will the party be able to defend himself when the case is considered by the High Court?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; Yes. The High Court will hear the parties.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : Are the High Court at liberty to take evidence?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think that they are, on a proper interpretation of the provisions of the Regulation. At any rate, there is nothing to prohibit them from doing so. The evidence may be taken as a part of the hearing of the application.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Is there any express direction in the Regulation? Has not the Madras High Court decided that, in the absence of an express provision, no evidence could be taken?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not able to refer to the ruling just now. But that ruling need not necessarily affect our Regulation.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I wish to know for instance, in the case of defamation, whether every imputation against a man is defamation.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not necessarily. If it comes within the exceptions laid down in the Penal Code, it is not defamation.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): How then, can the Government cancel a license without giving the editor an opportunity of showing that it is not defamation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Regulation does not prohibit giving such an opportunity.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Is there any provision entitling him to give evidence before the Government?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Evidence may be given; but not as of right.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): That is what I object to.

PRESIDENT: When you are discussing the general principles of an enactment, these nice little points of law may conveniently stand over and need not be exhausted now.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have here with me extracts from certain papers to support my position. I should particularly desire to read but one or two of them and it would carry the conviction of what I said. There is a cutting here which I am ashamed to read. It is not fit to be admitted to any home or read in the presence of a sister, daughter or mother. I don't want to trouble the House with all these in the face of the admissions made on the other side, which I cited a little while ago.

MR. K. I. JOSEPH (*Minachil cum Devicolam*): In the light of what Mr. George said, may I ask whether there is any provision in this Regulation to check the use of obscene language?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Obscene language is used by the papers only for defaming persons; And defamation is covered by the Regulation. Obscene

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language hardly ever occurs in the papers apart from defamation; and therefore provision is made to check and prevent defamation, and that would cover the obscene language also.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): If the Regulation is primarily intended to prevent the use of obscene language, why is it that the Regulation does not contain specific provision for the purpose?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The direct object is to provide for preventing defamatory statements, which statements are sometimes couched in obscene language. Therefore the provision for defamation is comprehensive enough to include obscene language also?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know the action that is contemplated by the Regulation for defamation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government may take action under the Regulation and cancel the license.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether there is any necessity to bring all the newspapers under the Regulation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When a law is passed, it must apply to all; it is not practicable to make distinctions.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not enough if the offending class of newspapers alone is brought under the provisios of the Regulation and security or license fees demanded from them alone without demanding fees from all papers at the outset?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If my view about the particular classes of journalists referred to as even now existing is to be accepted, it must follow that the Government must have power to insist on a license fee even at the outset.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not enough to prescribe qualifications for printers and publishers?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Printers and publishers are but the declared people. What qualification can be prescribed for them? It is neither practicable nor effective to meet the object in view.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Will it not be sufficient in the interests of journalism that qualifications are prescribed for printers and publishers?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What qualifications does my friend propose?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): I may suggest for example landed interest in the State.

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it practicable? And probably, it may even be felt as a stricter restriction than the deposit of a fee in cash.

I think I have answered all questions, and let me now conclude by saying that the object or effect of the Regulation is not to cut at the freedom of the Press. The freedom of the Press is as large or as narrow to-day under the Regulation as it is and has been under the Penal Code. The Regulation does not, practically speaking, curtail the freedom of the writings in the Press any more than the Penal Code does. And, does any member want to give to the Press liberty to indulge in the sort of writings that are sought to be checked by the Regulation? I am sure that no member would ever say that. Where and how, then, is the freedom of the Press cut at? There is every legitimate freedom as ever there has been, and if so, there is nothing to complain against the Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I rise to support Mr. K. P. Nilakanta Pillai's motion. With regard to the first ground that was raised, which is a constitutional ground, how this particular enactment was brought into existence giving this Council the completest go-by, my friend the Law Member had nothing to say. He simply said that it was expedient in the matter of enacting this Regulation that this Council might be neglected. He also pointed out that, so far as the Sovereign is concerned, nobody can question the right of the Sovereign to enact such a measure. It is perfectly true; nobody questions the right of the Sovereign. But when a particular body like the Legislative Council had been brought into existence, there must be some reason why its jurisdiction, the sphere of its authority, is ousted by the Sovereign in enacting this particular measure. With respect to that, the House thought that there would be some light thrown upon that aspect, but my learned friend was not in a position to throw any light upon that question. Probably, there is no reason to be ascribed for the course adopted. Therefore, Mr. K. P. Nilakanta Pillai's statement that this disregard of the House, which he asserted was an insult to the House and which in my opinion clearly verges on insult, voices a grievance and is certainly well-founded. So far, with respect to the first point raised for discussion.

Another point that has been brought into prominence during the course of discussion relates to the liberty of the Press. My friend Mr. George passed over that portion of the discussion by observing that we should not get ourselves confounded by false analogies and catch-phrases. I am very sorry that I have to differ fundamentally from him in his view of the application of false analogy and catch-phrases.

The preamble to the Regulation speaks that it is enacted for "the better control" of the Press. Can you claim to control the Press at all and deprive it of its liberty, is the first question. The liberty of the Press has been called the "guardian and guide of all other liberties" by Earl Russel. The Law Member asks me

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how the liberty of the press is curtailed by the Regulation. Let him listen. Lord Mansfield said in Rex *V.* Deane of St. Asaph that "the liberty of the press consists in printing without any previous license, subject to the consequence of law." Lord Ellenborough said in Rex *V.* Cobbett that "the law of England is a law of liberty and consistently with this liberty we have not what is called an *imprimatur*; there is no such preliminary license necessary." "The power of free discussion" said Lord Kenyon C. J. in Rex *V.* Reeves "is the right of every subject of this country." And Lord Russel of Killowen C. J. says in Regina *V.* Gray that "the liberty of the Press is no greater than and no less than the liberty of every subject of the Queen." Professor Dicey reviewing some of these cases says:

"This principle is radically inconsistent with any scheme of license or censorship by which a man is hindered from writing or printing anything which he thinks fit and is hard to reconcile even with the right on the part of the courts to restrain the circulation of a libel until, at any rate, the publisher has been convicted of publishing it."

In the light of what is quoted above, Mr. Justice Seshagiri Aiyar holds *in re* Mrs. Besant "that the right to keep a Press and to use it is a common law right and has not the slightest resemblance to the exercise of a trade or calling for which a license has to be taken out." (39 Madras. page 1189.)

My contention is that Travancoreans being British subjects as well, possess the common law right of the liberty of the Press in common with all other British subjects. We have sworn allegiance to the King Emperor and protection is our due. The common law right of the liberty of the Press thus possessed should, by the Rulers of Travancore, be safeguarded; yet what we see in the Regulation is an undisguised attempt to swoop down on such a right, without assigning any reason for this extraordinary step.

No doubt, there are instances where this common law right of the subjects was kept in a condition of suspended animation. See, for example, the steps taken in England when the influence of the French Revolution was in full swing and the enactment of Act I of 1910 in British India on the alleged score of the anarchist movement in Bengal. In the words of the Repressive Laws Committee.

"The retention of these Acts could in any case only be defended if it was proved that they were necessary in the present circumstance for the maintenance of law and order As it has not been found necessary to resort in the past to these measures, save in cases of emergency, we advocate their immediate repeal. In the event of a recurrence of any such emergency, we think the Government must rely on the Legislature to arm them with the weapons necessary to cope with the situation."

Now, in the present case, have the Government made out any case or proved any emergency that the maintenance of law and order has become impossible without the Newspapers Regulation? Do they at least allege any such thing? If they put forward any such case, it may be enquired whether the situation is due to their own incapacity or due to causes beyond their control. Anyway, as it is, justification of the present measure is left to imagination and proof is to be gathered from pure silence.

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The idea that permeates the provisions of the Regulation is the Machiavellian principle that it is better to be feared than to be loved. The Regulation in question is modelled, no doubt, on the defunct Press Act I of 1910. I do not deny the claim of originality which the Travancore draftsman was evidently unwilling to give up, as may be seen from the additional provisions in our Regulation for which there is nothing corresponding in the Indian Act. Section 4 of the Act resembles Section 5 of the Regulation but with this important difference that, whereas the question under the Indian Act would always be confined to the consideration of the tendency of the language used in any paper as likely to incite the commission of certain offences specified therein, our friend, the Travancore draftsman, has included the habitual commission of the offence of defamation and the habitual dissemination of false information also in the Section. Defamation as an offence is a matter for adjudication in a proper criminal court. Without a complaint, even a criminal court cannot take cognisance of it. We search in vain for any provision in the Regulation as to how a charge is to be framed, how evidence is to be adduced and so forth. Yet, the Government propose to adjudicate on defamation under this Regulation by a unilateral process of self-determination. Dissemination of false information is a new offence; for, unless made penal under any existing statute, no amount of falsehood would be punished in a court of law. If by word of mouth, a person spreads false information, it would go unpunished. If he stoops to put it in the newspapers, the Regulation at once attaches to it. And how would the Government determine whether a particular statement is false or true without taking evidence? Astrological or even meteorological predictions published in a newspaper would expose it to serious consequences. Or say, a statement appears in a paper about some occurrence in China or Mesopotamia. How is it possible to make out the truth or falsehood of it? So, these original provisions in our Regulation carry their own condemnation. Even with respect to what is reproduced from the Indian Act, learned Judges may be quoted as having lamented their all-pervading sweep and unfathomable implication. In the case *in re* Mahomed Ali (I. L. R. 41 Calcutta, page 466.) that eminent Judge Jenkins, C. J. observes :

"The provisions of Section 4 (corresponding to our Section 5) are very comprehensive and its language is as wide as human ingenuity could make it. Indeed, it appears to me to embrace the whole range of varying degrees of assurance, from certainty on the one side to the very limits of impossibility on the other. It is difficult to see to what lengths the operation of this Section might not plausibly be extended by an ingenious mind. They would certainly extend to writings that may even command approval. An attack on that degraded section of the public which lives on the misery and shame of others would come within this wide-spread net ; the praise of a class might not be free from risk. Much that is regarded as standard literature might undoubtedly be caught."

The perplexities and embarassment experienced by the learned judges of the Madras High Court may be seen from the discussion of the same Section in Mrs. Annie Besant's case. It is something like the

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horizon and, all attempts to get beyond it would be futile since it would be found receding from you as you fancy you are approaching its encircling line. Our draftsman's main idea appears to have been to excel the British Indian Act in repressing public opinion; for, after serving the newspapers by such provisions, he enacts another original provision, that is, Section 8, so that the people of the State may not be let alone. That Section says that any person found in possession of a newspaper knowing such to have been forfeited, whether he knows the obnoxious nature of the said paper or not, is liable to punishment if he fails to surrender such paper at the nearest police station within five days. Now, it is quite possible that a person may forget all about the existence of a newspaper in his possession, for it may be in his house, office or among the rubbish, when he sees the notification about its forfeiture. The forfeiture may take place months after the publication of the paper when one might have forgotten all about it. It may be in a person's possession without his knowing it; for, copies of newspapers are used for a variety of purposes, such as packing things purchased in the bazaar, or bundling records of a case, and may thus be introduced into one's possession without one knowing anything about it. All the same, unless one provides oneself with a polymetrical table showing the distances of police-stations so that one may find out the nearest one, and keeps on rummaging one's records, waste-paper basket, office and house, suspending all other business in quest of the forfeited copies, one would soon get into the clutches of the Newspapers Regulation. These are some sample provisions of this strange Regulation. Let us not go about this business like the village schoolmaster, who, noticing some disturbance in his class and unable to get at the young wag who created the trouble, proceeds to punish the whole class for the offence. If a paper is found misbehaving, by all means deal with it most mercilessly under the general law. Even the mischievous publications serve some useful purposes. The village officers and policemen in the outlying parts of the State are checked not so much by the Government orders as by their fear for newspaper publications. It is therefore dangerous to remove such safeguards in the interest of the purity of the administration.

As a writer on the constitutional history of England puts it, while dwelling on the liberty of the press,

> "The policy of repression has been finally discarded; and rulers have at length recognised in practice the truth and wisdom of Lord Bacon's maxim that 'the punishing of wits enhances their authority; and a forbidden writing is thought to be a certain spark of truth that flies up in the faces of them that seek to tread it out."

The effect of muzzling the Press is to encourage flattery of those in power and its consequence is more insidious and deleterious on the administration than adverse criticism. The dictum in Carr's case (State Trials) that no man can say anything of Government, be it by way of praise or censure, is more reasonable than the shutting out of adverse criticism.

Act I of 1910, after all, was repealed in British India in pursuance of the recommendations of the Repressive Laws Repeal Committee of which Sir William Vincent, that staunch and formidable champion

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of Government's interest and prestige, was also a member. The opinion of that committee is entitled to very great weight. The following observations are particularly important:

"On an examination of the third aspect of the case, *viz.*, the comparative advantages and disadvantages of retaining the Act, we find that, while many local Governments advocate its retention in the interests of the administration, on the other hand, the Act is regarded with bitter hostility by nearly all shades of Indian opinion. Most of the witnesses examined before us believe it to be indefensible in principle and unjust in its application. It has been said that the terms of Section 4 of the Act are so comprehensive that legitimate criticism of Government might well be brought within its scope; that the Act is very uncertain in its operation; that it has been applied with varying degrees of rigour at different times and by different Local Governments, and, in particular, that it has not been applied with equal severity to English owned and Indian-owned papers. A general feeling was also apparent among the witnesses that the Act is irritating and humiliating to Indian journalism and that the resentment caused by the measure is the more bitter because of the great services rendered to Government by the Press in the War. Many witnesses indeed are of opinion that the Act is fatal to the growth of a healthy spirit of responsibility in the Press and that it deters persons of ability and independent character from joining the profession of journalism. Finally it is maintained that the Act places in the hands of the Executive Government arbitrary powers, not subject to adequate control by any independent tribunal, which may be used to suppress legitimate criticism of Government and that such a law is entirely inconsistent with the spirit of the Reforms Scheme and the gradual evolution of Responsible Government.

There is, in our judgment, great force in many of these criticisms. We find, as already noted, that the Act has not proved effective in preventing the dissemination of sedition and that it is doubtful whether it is necessary to retain it for the purpose of preventing incitements to murder and similar violent crimes. Further, in view of the cogent criticisms made as to the principles and operation of the Act, we have come to the conclusion that it would be in the interests of the administration that it should be repealed."

On the recommendation of a committee like that, I beg to point out, the British Indian Legislature repealed this particular Press Act.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I know from my friend whether, at present, there is any provision there in regard to the matter?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is only the Princes Protection Act. There was a provision in the Press Act of 1910 with regard to the Native Princes, which, owing to the persistent endeavours of Sir William Vincent, was subsequently re-enacted as a separate Act known as the Princes Protection Act. Except for that small vestige, the Press Act has disappeared from British India. It is after the repeal of that Act that this Government have chosen it as their model to be followed.

MR. K. GEORGE (*Chief Secretary to Government*): How long did it remain on the Statute Book of British India?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It remained there for about ten years, and that, as has been particularly pointed out, owing to the existence of, what they call, anarchical movements in Bengal.

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It may thus be seen that our Regulation, based on Act I of 1910, has its ground cut away from under it. It is the fair name of Her Highness's Government and the liberty of Her Highness's subjects that form the central issues in the discussion. Whether a headlong course of repression would conduce to safeguard such interests is the question. My submission is that such a policy is futile and unacceptable. On the other hand, a scrupulous regard of the existing rights of the subjects is the best way to enhance the fair name and fame of Her Highness whose manifold virtues are the pride of Her Highness's subjects. Fairness begets fairness.

It is therefore, Sir, very difficult, on principle, to advocate the cause of this particular measure. It has deprived the people of their rights without any justification whatsoever. Mr. George was saying that we were pursuing a false analogy. I say, no. I must submit, Sir, that there must be some justification for this action on the part of the Government.

PRESIDENT: I cannot allow you any more time.

MR. P. K. NARAYANA PILLAI (*Amlalapuzha*): I do not want to proceed any further, Sir, and I resume my seat.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I want to ask one question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have no time and I have resumed my seat. I am not, therefore, prepared to answer it.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I beg to support the motion brought forward before the House. I do so with the object of suggesting that the Newspapers Regulation may be repealed.

PRESIDENT: You are out of order in suggesting the repeal of that piece of legislation; because during the Budget Session we cannot discuss matters of legislation.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I believe, that was the word used by the mover.

PRESIDENT: No.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I shall say that the Newspapers Regulation should be *withdrawn*; and, if the Government are anxious to exercise any control over the Press, they may place the matter before the accredited representatives of the people. In this connection, I wish to make it quite clear that I do not in any harsh way blame any of the officials who were responsible for this measure. They are human beings like ourselves and the circumstances of their position might have led them to bring forward such a measure. All the same, when the mistake is proved and brought home to them, they ought to be prepared to advise the withdrawal of this measure.

Let us examine what is the gist of the Regulation. It gives very large powers to the executive officers of the Government in certain matters which are purely judicial. These are, in all civilised

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countries left to be dealt with by courts of law. It was so, here also, until the passing of this Regulation. No new offence, in the legal sense, is created by this Regulation, except the bringing into hatred and contempt of any member of the Ruling Family of Travancore and the possession of a forfeited copy of a newspaper. The prohibition of the former, though superfluous, will not in any way inconvenience the people of Travancore. Nobody here wants the liberty to bring into hatred or contempt any member of the Ruling Family of Travancore, or, for that matter, any member of any family whatsoever. The creation of the offence of possession of a forfeited copy of a newspaper is a consequential mischief arising out of the great dangers contained in this Regulation. I shall deal only with one of the principal objections to this law.

In my view, the crowning danger of this Regulation is that a new and disastrous method of practically convicting and punishing journalists, by fining them or stopping their work, for certain well-recognised legal offences defined in the Penal Code, has been brought into existence by this Regulation. The executive officers are thereby given power to decide whether a journalist has committed the offence of sedition, promoting class hatred, defamation, or disseminating false information. In this respect I believe Travancore stands in a unique position among civilised States. It is not an enviable one by any means. Here, according to this unique piece of *executive legislation*—as it may be called—the license-fee of a newspaper can be forfeited and its publication stopped, at least for the time being, merely by an executive order. This is really a disastrous state of affairs to the Government and to the people. I enter my emphatic protest against it, and consider it my duty, as a citizen of this State and as a representative of the people, to adopt all legitimate means to put an end to this state of affairs. The people of this State have expressed this view in unmistakable terms. All right-thinking men will, I am sure, as soon as they realise this aspect of the matter, agree in strongly protesting against the Regulation as it is. It is well-known that the executive officers of this State are not under the control of the people or their representatives. The only practicable mode of defence, feeble though it be, available to the people against the injustice of officials, high or low, is the free ventilation of the people's grievances against the officials so as to morally influence the authorities to check the devastations caused by officials and influential favourites and to impose a wholesome fear of publicity and its consequences on the officials and influential favourites. This service of the Press to the people has incensed and inconvenienced the generality of officials and influential favourites very much, and these persons who have the power in their hands have retaliated by means of this new Regulation. The machinery of Government appears to have been in this matter a mere tool in the hands of the officials and influential favourites. Executive officials who

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have the confidence of the people will not require the power conferred by this Regulation in purely judicial matters and it is disastrous to arm the executive officials, who do not possess the confidence of the people, with such power. That is the dilemma before us. I appeal to the Government, which I consider to be distinguishable from the officials for the time being, to face and solve the problem in a courageous manner. Let the difficulties of the Government in regard to newspapers, if any, be placed before the accredited representatives of the people, and let them be asked to help in devising a solution. It seems to me to be not at all a difficult matter to control the newspapers in Travancore, in all legitimate matters, without the aid of the present Regulation. I earnestly request the Government to withdraw it and to establish Responsible Government in the country, to take the accredited representatives of the people into the confidence of the Government and to make these representatives responsible to the Sovereign and to the people for the administration of the State or at least for proper advice in the matter. If ways and means for better control of the newspapers are found necessary, the representatives of the people will devise them and work them, if allowed to do so.

No law, however stringent its provisions may be, will secure its object, unless those who administer it do so with firmness and justice arising from a good conscience. Under the present arrangement for the government of the country, no regulation or measure of the Government will ordinarily be administered in a fair and just manner. If the old provisions for controlling newspapers had been used by the Government officials without fear or favour, there would have been no occasion even for considering the need for such a measure as the present Regulation. But the officials were and are incapable of it. I am not harsh on them. It is a consequence of ordinary human nature. Unless the officials happen to be saintly sages of a very high order, they cannot be expected to act better under the circumstances. The circumstances should be changed. If arrangements are made for the control of the executive by the representatives of the people, the administration of the State will at once become firmer and juster and breaches of the law, in newspapers or elsewhere, will become much rarer than at present. Under the present circumstances, lawlessness, injustice and communal animosities are encouraged by the examples of a large number of officials, and even of some non-officials who want official positions or power. The officials shut their eyes to the breaches of the law if the breaker of the law has some influential person to back him up. They find it more paying and comfortable to act according to the suggestions of their unjust desires or of influential favourites than to act in accordance with the public interests. The officials should have no worldly power to fear except the Sovereign, as the Protector of the interests of the people as decided upon by their accredited representatives. I say this as much in the interests of the officials as in the interests of the general community composing the State. Worldly interests of other kinds, when they happen to be contrary to moral interests, are a delusion and a snare, and

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request the Government as the strongest and the most comprehensive organisation for ensuring justice and the public good, to be wise enough to so arrange matters that ordinary human nature may not at every turn be subjected to such delusions and snares. So, I heartily support the motion.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I have been closely listening to the speeches of the official members on the motion under discussion. I must say that I am not in the least convinced that they have made out a case in favour of the passing of this Newspapers Regulation. This Regulation, Sir, has caused an unprecedented stir all over the country which has not yet subsided and which is likely to continue. The unsoundness and impropriety of this Regulation have been elaborately discussed in the Press and on the platform, both within and without Travancore. I do not therefore propose to speak at length upon the merits of the Regulation and shall be content with being brief.

This Regulation, Sir, is really an infliction upon the people of Travancore. It brings their political training to a stand-still. It stifles the voice of the people and arrests the growth of public opinion. It strikes at the root of the liberty of the people and the freedom of the Press. It deprives the Government of the benefit of public views on administrative measures. It ignores the existence of other Regulations that may be applied then and there as correctives to the Press. It removes the check put upon Government officers in the abuse of their powers and the neglect of their duties. It has brought about a violent change in the country. Its provisions are vague and uncertain. It provides for punishment before trial which, to my mind, appears to be strange. It drags Travancore away from the forefront of the Indian Native States and retards her progress. It is not creditable to the country to have such a Regulation. It robs this House of its rights and privileges. Finally, Sir, the passing of this Regulation has proved the necessity for the creation of an Executive Council in the State. With these words, I strongly support the motion.

MR. K I. JOSEPH (*Minachil* cum *Devicolam*): Are there not sufficient provisions in the Regulation to safeguard fair criticism?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): A reading of the Regulation will enlighten the member on the matter.

MR. N. V. JOSEPH (*Parur*): Has the time-limit to the speeches of members been extended?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Can the discussion on this matter continue beyond two and a half hours, the time allotted for the demand?

PRESIDENT: I will give the House a little more time, but not too much more.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): I think all the members who wish to speak on the subject will be given an opportunity to speak.

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MR. C. P. THOMAS (*Nominated*): Am I to understand that the President has allowed more time than what had been allotted for the Demand?

PRESIDENT: I have said so twice already, Mr. Thomas.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*) : മിസ്റ്റർ കെ. പി നീലകണ്ഠപിള്ളയുടെ ഉപക്ഷേപത്തെ ഞാൻ ഹാർദ്ദവമായി പിൻതാങ്ങുന്നു. പത്ര റെഗുലേഷൻ ജനങ്ങളുടെ പ്രാഥമികമായ പൌരാവകാശത്തിനു വലുതായ ദോഷത്തെ ചെയ്തിട്ടുണ്ടെന്നാണ് എന്റെ അഭിപ്രായം. ഈ അഭിപ്രായം ജനങ്ങളുടെ ഇടയിൽ ഓരോദിവസവും വളർന്നു വരികയും ചെയ്യുന്നു. ഇങ്ങിനെ ജനങ്ങൾക്കുണ്ടാകുന്ന സങ്കടങ്ങളെ പറയാനുള്ള അവസരം ബഡ്ജറിന്റെ ജനറൽ ഡിസ്കഷനിലാണെന്നു ഞങ്ങളിൽ പലരും വിചാരിക്കുന്നു. കഴിഞ്ഞ നാലുവർഷത്തെ ബഡ്ജറ് യോഗത്തിലെ നടപടിക്രമം ഈ സ്വാതന്ത്ര്യത്തെ സാധൂകരിക്കുന്നുതാണ്.

MR. N. V. JOSEPH (*Parur*): I rise to a point of order. Is the member in order in discussing a ruling of the President?

PRESIDENT: He is entirely out of order in discussing it.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): I will not discuss the ruling of the President. I know I must respect the ruling of the Chair.

PRESIDENT: Please proceed with your speech, Mr. Kumara Pillai. You have not got much time.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*) : പത്രറഗുലേഷന്റെ ദോഷങ്ങളെ വിമർശിച്ച് എന്റെ മാന്യസ്നേഹിതന്മാർ പറഞ്ഞിട്ടുള്ളതിനെക്കാൾ കൂടുതൽ ശക്തിയോടുകൂടി പറയാൻ സാധിക്കുയില്ലെന്ന് എനിക്കു ബോദ്ധ്യമുണ്ടെങ്കിലും ആ സംഗതിയിലുള്ള എന്റെ അഭിപ്രായത്തെ രേഖപ്പെടുത്തണമെന്നു ഞാൻ വിചാരിക്കുന്നു. പത്ര റെഗുലേഷൻ നിയമസഭയിൽ കൊണ്ടുവന്നു പാസ്സാക്കാതിരിക്കുന്നതിനു പ്രധാനമായി രണ്ടു കാരണങ്ങളെ ഞാൻ കാണുന്നൊള്ളു. അതായത് നിയമസഭയെ ഗവർണ്മെന്റിനു വേണ്ടപോലെ വിശ്വാസമില്ലാത്തതു കൊണ്ടൊ, അല്ലെങ്കിൽ ഈ റെഗുലേഷനിൽ അടങ്ങീട്ടുള്ള വകുപ്പുകളോടു കൂടിയ ഒരു നിയമം കൌൺസിൽ വഴി പാസ്സായി കിട്ടാൻ സാധിക്കുയില്ലെന്നുള്ളതു കൊണ്ടൊ ആയിരിക്കണം.

നിയമസഭയെ വിശ്വാസമില്ലാത്തതു കൊണ്ടാണ് ഈ നിയമത്തിനു രാജാധികാരം ഉപയോഗിക്കേണ്ടി വന്നതെങ്കിൽ അതു നിയമസഭയ്ക്കു ഒരിക്കലും അഭിമാനകരമായിട്ടുള്ളതല്ലാ. അങ്ങിനെയാണെങ്കിൽ, ഈ നിയമസഭകൊണ്ടു ആശിക്കുന്ന ഫലം ജനങ്ങൾക്കു കിട്ടുന്നതുമല്ല.

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[Mr. T. Kumara Pillai.]

ജനങ്ങളം തിരിഞ്ഞെടുത്തു് അയച്ചിട്ടുള്ള അവരുടെ വിശ്വസ്ഥന്മാരായ പ്രതിനിധികളിൽ ഗവർണ്മെൻറിനു വിശ്വാസമില്ലാതെ വന്നിട്ടുണ്ടെങ്കിൽ അതു് ഏറ്റവും ഗൌരവമായ സംഗതിയായിട്ടാണു് ഞാൻ കരുതുന്നതു്. നിയമനിർമ്മാണസഭയുടെ അധികാരസീമയിലുൾപ്പെട്ട സംഗതികളിൽ രാജാധികാരം പ്രയോഗിച്ചു നിയമമുണ്ടാക്കാൻ തുടങ്ങീട്ടുള്ളതുകൊണ്ടു ജനപ്രതിനിധികൾക്കു ഗവർണ്മെൻറിനോടും, ഗവർണ്മെൻറിനു ജനപ്രതിനിധികളോടും വിശ്വാസമില്ലാത്തതുകൊണ്ടാണെന്നു് അനുമാനിക്കുന്നതു് ആക്ഷേപിക്കാൻ പാടില്ലാത്തതാണു്. ഗവർണ്മെൻറിനും ജനങ്ങൾക്കും പരസ്പരം ഉണ്ടായിരിക്കേണ്ട വിശ്വാസങ്ങൾക്കു ദോഷം വന്നു പോയിട്ടുണ്ടെങ്കിൽ അതിനുള്ള കാരണങ്ങളെ കണ്ടുപിടിച്ചു പരിഹരിക്കേണ്ടതു രാജ്യക്ഷേമത്തിനു് അത്യാവശ്യമായിട്ടുള്ളതാണു്.

ഇങ്ങിനെയൊരു നിയമം കൌൺസിൽവഴി പാസ്സാക്കി കിട്ടുകയില്ലെന്നുള്ളതാണു കാരണമെങ്കിൽ, അതു് ഏറ്റവും പരമാർത്ഥമായിട്ടുള്ളതാണു്. ഇന്നത്തെ പത്രറെഗുലേഷനിലുള്ള വകുപ്പുകളോടുകൂടിയ നിയമങ്ങൾ ഈ രാജ്യത്തു് ഉണ്ടാകാതിരിക്കുന്നതിനാണു് അനുദ്യോഗസ്ഥ ഭൂരിപക്ഷമുള്ള ഒരു നിയമസഭ ഇവിടെ ഏർപ്പെടുത്താനിടയായിട്ടുള്ളതു്.

മട്ടനനിയമങ്ങൾ ഒരു രാജ്യത്തും ഒരുകാലത്തും ശുഭകരമായി പര്യവസാനിച്ചിട്ടില്ലാ. അങ്ങിനെ പര്യവസാനിക്കുന്നതുമല്ലാ. ജനങ്ങളുടെ പൌരാവകാശങ്ങളെയും അവരുടെ ന്യായവാദങ്ങളെയും തടുത്തു നിറുത്താൻ ശ്രമിക്കുന്നതു ഭരണകാര്യങ്ങളെ അവിഹിതമായ വഴികളിലേക്കു നയിക്കാൻ എപ്പോഴും ഒരു പ്രേരണാമാത്രമായി തീരുമെന്നുള്ളതാണു്. ഇന്നത്തെ പത്രറെഗുലേഷനെ അത്യന്തംവായിക്കുമ്പോൾ തന്നെ അതിൻെറ ഉത്ഭവകാരണങ്ങൾ ആക്ഷേപിക്കപ്പെടുന്നതാണു്. ഇന്നത്തെ ഗവർണ്മെൻറു സ്വീകരിച്ചു പോരുന്ന ഭരണതത്വങ്ങളെയും ഭരണനയങ്ങളെയും പൊതുജനനാവായ പത്രങ്ങൾ ആക്ഷേപിക്കുന്നതു് ഇഷ്ടമില്ലെന്നും അതിലേക്കു തുടങ്ങുന്ന പത്രങ്ങളെ ശിക്ഷിക്കുമെന്നുമാണു് ഈ നിയമത്താൽ വ്യക്തമാകുന്നതു്. ഗവർണ്മെൻറിൻെറ ഈ മനസ്ഥിതിയെ അതുപോലെ തരകുക്കി സമ്മതിക്കാൻ എല്ലാവരുടെയും മനഃസാക്ഷി അനുവദിച്ചു നില്ക്കുമെന്നു ഞാൻ വിചാരിക്കുന്നില്ലാ.

ഈ രാജ്യത്തിലെ ജനങ്ങൾ അവരുടെ വിദ്യാഭ്യാസത്താലും ഭരണകാര്യങ്ങളിലുള്ള അവരുടെ പരിജ്ഞാനത്താലും, എത്രയോ കാലങ്ങളായി സമ്പാദിച്ചിട്ടുള്ള പരിഷ്കാരനിലയിൽ നിന്നും ഇന്നത്തെ പത്രറെഗു

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ലേഷനാൽ അവരെ എത്രയോ പിന്നിലേക്കാണ് കൊണ്ടു പോയിട്ടുള്ളതു ഈ സ്ഥിതിയെ ജനങ്ങൾ ഒരിക്കലും ആദരിച്ചു നില്ക്കുമെന്നു ഞാൻ വിചാരിക്കുന്നില്ലാ. പത്രറെഗുലേഷന്റെ ഭാവിഫലങ്ങൾ രാജ്യത്തിനും രാജ്യക്ഷേമത്തിനും ഒരിക്കലും ഗുണകരമായി തീരുന്നതല്ലാ. ഈ രാജ്യത്ത് ഇതുവരെ ഒരു പത്രറെഗുലേഷൻ കൊണ്ടുവരാത്തതു് അന്നത്തെ ഭരണകർത്താക്കന്മാർക്കുണ്ടായിരുന്ന ധൈര്യക്കുറവു കൊണ്ടാണെന്നു് ആരും വിചാരിക്കുന്നില്ലാ. അതിന്റെ ഭാവി ഫലങ്ങളെ വേണ്ടപോലെ ആലോചിച്ചറിയാൻ അവർക്കു ശക്തിയുണ്ടായിരുന്നതിനാലാണു് ഇവിടത്തെ നിയമങ്ങളുടെ കൂട്ടത്തിൽ ഒരു പത്രറെഗുലേഷനു് സ്ഥലം കിട്ടാൻ ഇടയാകാത്തതു്. ജനങ്ങളുടെ പ്രാഥമികമായ പൌരാവകാശങ്ങളെ അന്യായമായി ദോഷപ്പെടുത്തുന്ന ഇന്നത്തെ പത്രനിയമം ഒരു നിമിഷംപോലും ഈ രാജ്യത്തുവച്ചു കൊണ്ടിരിക്കാൻ പാടില്ലെന്നാണു് എന്റെ അഭിപ്രായം.

The House rose for lunch at 2 P. M. and re-assembled at 2-30 P. M.

MR. T. J. MATTHEW (*Changanacherry cum Peermade*): Sir, I wish to speak a few words on the Newspapers Regulation. I believe the newspapers are a source through which the opinions of individuals are circulated throughout the country. The exhortations and the opinions expressed in newspapers are taken to heart by members of the public and it is from these newspapers that the people of the State get their information about the doings of the officers of Government and also about the policy adopted by the Government with regard to their activities. Undoubtedly then, this great power which the newspapers possess has to be exercised very carefully. The trust vested in the newspapers is a sacred one. Any violation of that trust, I submit, is fraught with great consequences. If, therefore, the newspapers do not restrict themselves within reasonable bounds, who is to regulate them? I say it is the duty of the Sovereign, it is the duty of the Government to frame rules and regulations to control the unlimited license that newspapers may at times go to take upon themselves to exercise. I believe it will not be denied that some newspapers in Travancore have been transgressing beyond all reasonable limits and have been giving publication to ideas, the lowness of which and the vulgarity of the language employed by which are facts well-known to the public. When the Chief Secretary and the Additional Head Sirkar Vakil referred to some newspapers in their possession and said that the obscenity of the language employed would be shameful to be read in public, I believe none of the members of this Council asked them to read those papers to this House. It may therefore be taken for granted that such publications have been in abundance and that they have been really scurrilous and that the members of this House know them to be such.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the member can give us approximately the number of such publications?

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MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): I thank myself that I do not know the names of all these newspapers.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I do not want the names.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): Neither have I taken an account of the newspapers; but the impression created in the country on account of the loathsomeness of the language used by the newspapers is a fact known to all. While I have been talking to some of my friends about the curious idea held by certain sections of the people that the world will come to an end very soon, an assertion was made that, within a few years, the world will really come to an end, one of the members who took part in the conversation exclaimed that he would be very glad. When I questioned him as regards his attitude, his reply was that the world will be rid of the newspapers in Travancore. Whatever be the number of newspapers which used such language, it is the dissemination of these publications that causes society to be really apprehensive. Even *one* paper, I would submit, if it is circulated throughout the whole of Travancore is sufficient to cause serious effect. Therefore much cannot be deduced from the number of such newspapers.

The attacks made in these papers may be classified under three heads. First of all, these attacks are upon the Government and members of Government. Secondly, upon individuals of the public; and thirdly, upon communities and sections of the people. I shall refer only to one of these, that is, the last. Everybody will admit that the prosperity of the country will depend upon the peace it enjoys and that a country cannot enjoy peace if the component parts of the nation are warring with one another. Before newspapers grew in this country like mushrooms—I can boldly make this statement—the several communities in this country were living on very cordial terms. But, unhappily for us, on account of several causes some of which have been already alluded to by the Chief Secretary, newspapers began to be published in numbers which the country could not contain. It was soon followed by communal tension and we need not go very far to see what the results would be if these communal feuds are allowed to go on. Sir, look at the case of Bengal. It is a well-known fact that it was the Vernacular Press of the country and the articles published in those newspapers that were responsible mainly for the present situation there. I would again ask, Sir, to see that such publications are not made in any of the newspapers here.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member whether the communal tension which he refers to is not due to the result of agitation for communal representation in the service?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): If any answer is wanted, I would say that it was not on account of communal representation in public service, because, communal representation, in my view, instead of creating communal tension will only do away with it.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know from the member whether papers create materials for communal tension or whether they are only making comments on existing facts?

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MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): They do both. It is a calamity which cannot be averted in any other manner than by preventing such publication in newspapers and it is why I emphatically stated that it is the duty of the Sovereign and the Government to see that such publications are not made in this country. I would therefore not only not condemn the passing of the measure, but would congratulate the Government for having been cautious enough to see beforehand that a Regulation which prevents fights and feuds in the State has been passed.

Sir, several objections have been raised with regard to the Newspapers Regulation. However, nobody denied the fact that the language used by some of the papers deserved that these should be controlled. The first objection raised was with regard to the method of promulgation. Although the Chief Secretary and the Additional Head Sirkar Vakil refused to give any particular reason why the power of the Sovereign was resorted to directly rather than the power of the Legislative Council, I may again point out to you, Sir, that the method used as regards the promulgation of this Regulation has been commendable. To bring into this Council a Regulation of the sort which has been passed would result in the publication of matters which are beyond the ambit of this Council. Publications against the Government bordering on sedition will have to be referred to and a discussion about those articles in this Council would be out of place. Any reference to the Sovereign and any attack on the Sovereign are matters outside the Council and comments on such attacks on the conduct of the Sovereign are also beyond the ambit of the Council.

MR K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether there is a single instance in which the Sovereign was attacked?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): There are instances.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member definitely so that I may have an occasion to look and search?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): I am sure that any member of this Council will be able to fix his finger upon such publications. But, for reasons stated by the Chief Secretary, I would also wish that such publications are not read publicly in this Council because the insinuations contained in those papers are so bad, so heart-rending; I would rather be subjected to any calamity than read them out to any man.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Will Mr. Matthew give us the reference so that we may read them for ourselves?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): When persons who had brought those papers to this House and made the statements that they were in their possession, my friend refused to question them. The attacks upon the communities also are not subjects that are properly coming within the discussion of the Council. That instead of preventing communal feuds would only increase them, and I would therefore congratulate the Government for not having brought this Regulation in this Council where the discussion as regards its merits and demerits would have tended to develop communal tension.

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MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I know from the member whether the oft-repeated agitation for communal representation in the service and the discussion in this House tend to smoothen or increase communal tension?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): I am very sorry that my friend Mr. Paramesvaran Pillai places the discussion in the Council relating to communal representation on a level with the dirty publications in the newspapers consisting of virulent attacks upon the religion, religious institutions and all that a community considers sacred. Another objection that was raised in this House was that there was the Penal Code and that there was no necessity of having recourse to another legislation. The objectors say that the Penal Code is wide enough to reach at the persons who have been the authors of the publications. As a matter of fact, it has not created new offences, but has only prescribed a new procedure. The new procedure consists in taking action against the authors of the newspapers in a summary way without following the procedure laid down in the Criminal Procedure Code.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether it is his opinion that no new offence is created by the Regulation?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): Some technical offences have been created by this Regulation, for example, the possession of papers with regard to which a notification of forfeiture has been published.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether the circulation of false information is only a technical offence according to the Regulation?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): No circulation has been made an offence by this Regulation; it only empowers the Government to cancel the license, that is all. As regards the summary way adopted by the Government to deal with these papers, I have to state that that is the only course that can be adopted under the circumstances. I would again refer to the case of Bengal. Bengal has been wriggling under the calamities of communal feuds and very many riots have taken place. We have read in the papers that editors of newspapers are being prosecuted and convicted But the mischief had already been done.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I know from the member whether it is not due to religious differences, and that it is not due to differences in regard to the representation in service?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): Differences in religion existed for more than a thousand years and these communities were getting on remarkably well.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Does Mr. Matthew say that the feuds have been existing for several years?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): May have been existing.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : May I know when those were brought into existence?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): I am not aware of the particular year. Prosecutions for spreading communal rancour are therefore ineffective in so far as they can be resorted to only after the event. The elaborate procedure contemplated by the Criminal Procedure Code is not suited to serve the purpose intended by the Regulation in question. Therefore, what I say is that it is to prevent calamities that summary proceedings are contemplated by the Regulation. Then, as regards the new offences created by this Regulation, my friend Mr. Narayana Pillai referred to the possession of any newspaper that has been proscribed under the Regulation. The section which refers to that says that a copy of the paper must be possessed after knowing that a notification had been published with regard to that. The word "possession" does not simply mean that if a paper is found anywhere near the man or anywhere in the house he will be punished. Possession in this case implies two things. The first is the custody of the paper and the second the knowledge that it is a paper with regard to which a notification had been published under Section 7 of the Regulation.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it after the fulfilment of these conditions that the Police will be taking action?

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*) : I am emphatically of opinion, Sir, that this Newspapers Regulation is a harbinger of peace for the land, and, as such, I would welcome it whole-heartedly.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Sir, one of the greatest of philosophers has uttered a warning that half truths are always more dangerous than positive lies. To-day, a series of confident assertions and general statements have been made on the subject under discussion by members in this House. Now, several half truths generally flourish in an artificial atmosphere just as gold to which some alloy is added may shine brighter in the artificial light of night. Similarly, here when we are discussing the subject in a very great hurry and when statements made cannot be thoroughly analysed and its defects pointed out, it is very often easy for members, especially those who are trained speakers, to utter half truths and pass them for incontrovertible truths. It would be very eminently desirable in making such statements to consider whether there are not other sides of the case and whether one represents all sides of the question. In listening to a series of positive statements made by my friends on this side, I was wondering and noting down certain aspects of the question which apparently did not come to their notice. Now, it is a common assumption that the Government in passing this Regulation has been using or misusing their power so that it may be charged with tyranny and an improper use of power. It is customary to speak of the Sovereign or constituted Government as alone capable of tyranny. It is not

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[Mr. K. C. Mammen Mappillai.]

generally considered that a vast mass of the people sometimes organised by cunning schemers can also be made to exercise tyranny in a more effective and a more cruel manner than kings or Governments.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Are these half truths or whole truths?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): I never put forward that they are final truths. I never say that they are axiomatic truths. I put forward these things in order to serve as a help to arrive at a final conclusion on these matters. As a recent example, I will quote an instance which occurred in England. England is a country where they have liberty of the Press. The result was that, during the coal strike, a large majority of the organized workers wanted to stifle the whole community and one who is not an unsympathetic critic of the labour movement has offered the following remarks :—

"The freedom of the Press was established as part of the right of every citizen to print whatever he pleases, subject to legal safeguards against abuses. It has to be conceded on the same grounds as liberty of speech, and similarly conditioned. The issue was liberty of thought which involved its free expression in opinion. But newspapers are more than organs of opinion. They profess to furnish the facts upon which opinion may be formed; and in political matters their freedom is chiefly to be defended as a part of the right of every citizen to know relevant facts. If these be habitually distorted or suppressed, if the public do not find in its newspaper an honest and dispassionate show of news, any concern for liberty of printing must evidently decline."

Now that is an aspect which I am sure will be taken into consideration by all of us in arriving at a solution on this question. The Government have been again and again admonished to take public opinion into consideration. I wonder what is the real public opinion about any subject. It may be thought that I am giving one kind of opinion and my friends another. In taking public opinion, I wish to draw the attention of the House to a well-known practice, perfected by western people, and in which we Indians are also being initiated, *i. e.*, an organisation for creating delusions. One classical example of this was when a famous syndicate of newspapers run by a most wealthy American gentleman sent a band of newspaper reporters to the Spanish colonies and told them that by the time they reached the place he would organise a war against Spain. The Spanish American War was brought about in this way. It is almost a matter of history. Then again, we say that liberty is a very good thing. Such a possibility must be taken into account. After all, where is the country where you have liberty in its completest form? Liberty is undoubtedly a good thing, but it must be gradually perfected along with the growth of other qualities in the community. If a little child is entrusted with a weapon—

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MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know whether liberty should be checked?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Certainly, it should be checked, as Mr. Panikkar knows when students do not submit to authority. When it runs into wrong channels, it should be checked.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Only when it goes in wrong channels.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Certainly, I suppose, it is the right of a teacher to insist upon a particular line of action when it has been the position of the student to insist upon a different line of action. I suppose Mr. Panikkar may remember his old school days when he insisted upon a broad line of action and I as a teacher had a right to insist upon another. But he had to take my authority. I was going to say liberty in its completed shape cannot be claimed or enjoyed at one jump. It is a thing that gradually grows. We all know that in England and in America liberty has only gradually grown. We cannot have it here in the same measure unless the necessary conditions are equally developed. I say a little boy should not be entrusted with a sharp weapon or a mad man with a loaded gun because they will prove dangerous to others. Similarly, when we speak of liberty, I am wondering what is the kind of liberty that we speak of. The liberty that we speak of, I suppose, may be the liberty as we find it in England. After all, making due allowance, I think England is a country where liberty may be found in its purest form. But was the kind of liberty which England enjoys obtained by merely asking for it or by merely a few years' agitation? It is a liberty as we all know that has been secured by hundreds of years of preparation, by hundreds of years of suffering and which has grown from precedent to precedent. Sometimes, people may ask "England has found such liberty useful and why should we wait?" I say, it is in order to make ourselves fit for it. Certain persons might be enjoying certain things; that is no reason why we may also have them. Why should my son be allowed equal liberty with me in certain things, it may be money or other things? Similarly, like money or weapons, any other possession must be given according to the capacity of the person who has to enjoy it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Who is to curtail liberty?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Just as a father curtails the liberty of the sons, the teacher that of the student, so also in this our imperfect world, constituted Governments have to curtail in some respects our liberty. The thing is that the two are acting and reacting. The High Court may pronounce a final judgment, but there must be a cultured public opinion in the country which must slowly influence the High Court. As to what is the last word or who is the final authority, and all that, if you go on asking such questions, it will be arguing in a vicious circle. I do not therefore want to be driven to a corner by so sharp a lawyer as Mr. Narayana Pillai.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg my friend's pardon; I want to ask him one more question. May I know whether Mr. Mammen Mappillai wants to curtail the liberty of the Government?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Well, that is what we are doing. By all constitutional means what we are doing in this House is to curtail the liberty of the Government. We criticise the Government and we criticise the officers of the Government. Every effort of organised community is to curtail the liberties of constituted Government, so that the Government might be surrendering gradually some of their powers until finally the people gain a full measure of their power. But it should not be said that the Government should be deprived of that power at one step and that the people should be immediately given the whole of the power exercised by the Government. Let us, first of all, prepare ourselves. Now, if a person purchases costly furniture for his house before he had the wherewithal to build the house, I think, that will be considered to be an unwise course. Similarly, let us consider the kind of people we have got in India; the communal tensions, the wide difference in intellectual and social outlook. Let us by all means try on our part to get more and more freedom. But let us also along with that try to make ourselves more and more fit to be recipients of this freedom. Liberty is therefore very good, but let us also know the price at which liberty has been won and also the manner in which it has been won. Let us all think of this aspect before we think of the complete subjugation of the Government.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): Is it not natural for us to protest when we are deprived of the liberty we were enjoying?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): I think it is perfectly natural for us to protest against such deprivation and also to require that more liberty to be given to us.

Another thing that I should like to point out is that excess in one direction always provokes excess in the other direction. An instance in point is the famous example of the French Revolution, where, owing to the tyranny of the governing class, the people simply ran in the opposite direction and committed excesses in the name of liberty. That is what we now find in Russia. The people there in the name of the proletariat are committing unmeasurable excesses and atrocities.

MR. M. SIVATANU PILLAI (*Tovala*): May I ask Mr. Mammen Mappillai whether this argument does not cut both ways?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): I do not say that it does not. My point is that the arguments which he and Mr. Sivarama Panikkar brought forward would cut both ways. That is all. I do not consider at all that the side which I am now placing before the House is the only side. I again and again repeat that I do not present these views as final truths. I only say that the aspect which I present also should be taken into account in arriving at a final conclusion on the subject. Here is a well-armed man with loaded

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pistols. Suppose there are some boys who are going near him and abusing him and also throwing stones at him and trying to provoke him. Finally, if the man in a fit of temper takes his pistol and shoots some of the boys—of course it is very bad for the grown up man and surely he will be punished for that—is there not something to be said in mitigation of his offence? During the last few years, I have been reading the kind of newspapers that we have here, and many of us must have felt that they were passing all limits. But very few had the courage to say so openly.

MR. K. I. JOSEPH (*Minachil cum Devicolam*): May I ask the member whether the Government also was in a fit of anger about this?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): I do not know the mind of the Government on this question. For that, he must address the Government.

I do not think that the Government have been committing excesses. But when we are on our side criticising the Government and the Sovereign and the agents of the Sovereign—we must also remember that they are invested with power and that if we misuse the power of public opinion, it may be the power of using invectives—in order to inconvenience the Government, to stultify the Government and to make it impossible for the Government to function properly, let us also remember that they can as well use the great power entrusted into their hands. The Government are occasionally bursting the limits and improperly using their power; but it will not be seemly for us to protest against the action of the Government while we have been observing absolute silence about the excesses of newspapers. Let us see, as Mr. Changanachery Parameswaran Pillai has said, whether our brethren, the press-men, have been doing their duties properly and, if they are not doing their duties properly, let us try to organise public opinion in a proper way. It is so difficult now-a-days for a person to give expression to an unpopular opinion for fear he should be pilloried. If anybody has given any expression to such sentiments, it was only in isolated cases. Conditions here are very much unlike those in England. Suppose somebody has done a mischief in a street and he is running away. The public in England has been so educated that the people who see the man will be all running after him to arrest him. That kind of organised work is a thing which is very rare in our country. We all allow ourselves to run with the current and to speak with the loudest talkers, so that, we may not get their opprobrium even if we do not get their popularity. I think my friends may not admit that they themselves are guilty of that charge; but I cannot help thinking that often-times they must have been deterred by the fear that they would be incurring unnecessary odium. That kind of fear of organised tyranny is a very serious matter and it is necessary that we should try to counteract such deleterious influence. The capacity to resist what I described as organised delusions even in England and America has been very limited. We are now often complaining that people in England are organising delusions about Indian affairs so that the people in England may not have a correct idea of the Indian situation.

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PRESIDENT: Your time is up.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): I have only begun the introduction to the subject.

PRESIDENT: You have spoken for seventeen minutes already.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): I have put down several points in my notes to be placed before the House. The chief reason why there has been so much agitation about the Newspapers Regulation is that we confuse two particular issues, the right of the Sovereign to the law-making powers and also the nature of the law itself. Now, if we consider the two separately and view them in the proper perspective, all this criticism would lose much of its force. If we find fault with the law-making powers of the Sovereign, I think that is a very unfair criticism, because that right has never been surrendered. It has been continuously used, and as remarked by the Law Member, this very House in which we conduct our deliberations is a result of that power. But let us try to represent to the Sovereign that this must be gradually surrendered. Why should we now say that it is a new thing, an unheard-of thing, a thing altogether unjustifiable? Besides, this power has been used many times, a hundred times I may say, in almost every other State in the whole of India. I have got the Mysore provisions here, ten times more drastic than our present Regulation. I think that every one of us should have studied the Mysore Regulation before criticising the Travancore Regulation. It is very much more drastic. I do not think there is any other Native State in the whole of India that allows more liberty to the people. We have got much more liberty than what other people in India are getting.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it his opinion that because Mysore has got a very drastic measure, Travancore also should have one like it?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): I do not say so. I only desire that we should find out what is feasible by comparison of what is obtaining in other countries.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether in his opinion the method of promulgation also is commendable?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): If he asks my opinion about it, I should like to say that I, for my part, would leave it entirely in the hands of the Government.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I ask Mr. Mammen Mappillai to point out one other instance in which, since the promulgation of the Legislative Council Regulation in 1063, this independent power of legislation on matters within the purview of the Legislative Council was exercised by the Sovereign?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Before the Legislative Council came into force, it was the Sovereign's power that was used. After the Legislative Council was brought into existence, the Sovereign expressly reserved the power to make laws.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether in Mysore the Press Law was passed by the exercise of the Royal prerogative or by the Council?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): It was in exercise of the Royal prerogative. It is still in existence. Of course, this is not a power which is every day being used; but whenever the executive thinks that there is occasion, the power is ready there to be used. As we know, during the last few years—I need not mention specific instances—the power was there and on occasions far less justifiable it has been made use of by the Government.

PRESIDENT: I think you must give others an opportunity to speak.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): സ്വാതന്ത്ര്യത്തെ പറ്റി മനുഷ്യക്കുള്ള പ്രതിപത്തി പുരാതനകാലം മുതൽക്കേയുള്ളതാണ്. സ്വല്പമെങ്കിലും പൌരുഷമോ നാഗരീകമോ ഉള്ള ജനങ്ങൾ തങ്ങളുടെ ജീവനേക്കാൾ സ്വാതന്ത്ര്യത്തെ പ്രധാനമായി ഗണിക്കുന്നുണ്ട്. ഇവിടെ പത്രറെഗ്രുലേഷൻ നിമിത്തം ജനങ്ങൾക്കു കുറെ അസ്വാതന്ത്ര്യം സംഭവിച്ചിട്ടുണ്ടെന്നാണ് വാദവിഷയം. ജനങ്ങളുടെ സ്വാതന്ത്ര്യത്തെ ബാധിക്കുന്ന നിയമങ്ങളേയും അവയുടെ ദോഷകരമായ ഉപയോഗത്തേയും ഒരു ജനപ്രതിനിധിയുടെ നിലയിൽ ശക്തിയായി എതിർക്കേണ്ടതു് എന്റെ കടമയും അതനുസരിച്ചു ഞാൻ ഒരു ജനപ്രതിനിധിയായിരുന്ന കഴിഞ്ഞ പതിനെട്ടു കൊല്ല കാലങ്ങളിൽ പ്രവർത്തിച്ചിട്ടുള്ളതുമാണ്. എന്നാൽ ഈ അവസരത്തിൽ ജനങ്ങളുടെ സ്വാതന്ത്ര്യത്തെ ബാധിക്കുന്ന ഈ റെഗ്രുലേഷനെ ഞാൻ പ്രതിക്രുലിക്കേണ്ടതല്ലേ എന്നൊരു ചോദ്യം എന്റെ മനസ്സ് എന്നോടുതന്നെ ചോദിക്കുന്നുണ്ട്. എന്നാൽ മനുഷ്യവർഗ്ഗത്തിനു നീതിയും സമാധാനവും പ്രധാനമായി ഗണിച്ചേകഴിയു. നീതിയേയും സമാധാനത്തേയും സന്ത്യജിച്ചാൽ ഉടൻതന്നെ മനുഷ്യവർഗ്ഗം നശിച്ചുപോകും. അതിനാൽ മനുഷ്യവർഗ്ഗത്തിന്റെ ആരംഭംമുതൽക്കെ സ്വാതന്ത്ര്യത്തിന്റെ ദുരുപയോഗത്തെ നിയമങ്ങാം കൊണ്ടു തടഞ്ഞു വന്നതായി കാണാം. ഈ പ്രതിനിധിസഭ തന്നെ ജനങ്ങളുടെ സമാധാനത്തിനു ബാധകമായിട്ടുപയോഗിക്കുന്ന ജനസ്വാതന്ത്ര്യത്തെ തടയുന്നതിനു വേണ്ടനിയമങ്ങാം ഉണ്ടാക്കുന്നതിനു സംഘടിതമായിട്ടുള്ളതാണല്ലൊ. സാമുദായികമായും, മതസംബന്ധമായും, രാഷ്ട്രീയമായും ഉള്ള വ്യവസ്ഥകാം എല്ലാം ഒരുവിധത്തിലല്ലെങ്കിൽ മറൊരുവിധത്തിൽ സ്വാന്ത്ര്യത്തെ നിയന്ത്രിക്കുന്നവയാണല്ലൊ. അങ്ങിനെ നിയന്ത്രിച്ചില്ലെങ്കിൽ മനുഷ്യരുടെ അവസ്ഥ എന്തായിരിക്കുമായിരുന്നു?

ഈ വിധത്തിൽ ഇവിടെ ഒരു റെഗ്രുലേഷൻ കൊണ്ടുവന്നു പത്രങ്ങളുടെ സ്വാതന്ത്ര്യത്തെ തടയേണ്ട ആവശ്യമുണ്ടൊ എന്ന് ഒന്നു വിചി

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[Mr. Tariatu Kunjitomman.]

ന്തനം ചെയ്യേണ്ടതുണ്ട്. പത്രങ്ങൾകൊണ്ടു വളരെ പ്രയോജനം ഉണ്ടാകുന്നതും ഉണ്ടായിട്ടുള്ളതുമാണ്. എന്നാൽ അടുത്തകാലത്തു് തിരുവിതാംകൂറിലെ പത്രങ്ങളെ സംബന്ധിച്ചു പറയുകയാണെങ്കിൽ അവകൾ സമരകാഹളം ഊതി ഒരു വർഗ്ഗക്കാരെ മറെറാരു വർഗ്ഗക്കാക്കെതിരായിട്ടു സമരത്തിന് അണിനിരത്തുകയാണു ചെയ്തിരുന്നതെന്നുള്ളതു് ആർക്കും നിഷേധിക്കാൻ സാധിക്കയില്ല. ഇപ്പോൾ തിരുവിതാംകൂറിലെ അന്തരീക്ഷത്തിൽ വർഗ്ഗീയവിദ്വേഷവിഷം കലന്നിട്ടുണ്ടെങ്കിൽ അതിനു പ്രധാന ഉത്തരവാദികൾ ഈ പത്രങ്ങളാണ് എന്നു തുറന്നുപറയാതെയിരിക്കാൻ എന്റെ മനസ്സാക്ഷി സമ്മതിക്കുന്നില്ല. രാഷ്ട്രീയമായും, മതസംബന്ധമായും, സാമുദായികമായുമുള്ളവയും, മനുഷ്യർ തങ്ങളുടെ ജീവനെക്കാൾപോലും പ്രധാനമായി ഗണിച്ചുവരുന്നതുമായ സംഗതികളെ എതുയും അസഭ്യമായ സ്വരത്തിൽ പത്രങ്ങൾ തുടർന്നുപറഞ്ഞുകൊണ്ടിരുന്നാൽ ഭാവിസ്ഥിതി എന്തായിരിക്കും? ഇവയിൽ ചിലതു രാജസ്ഥാനത്തെപ്പോലും ആക്ഷേപിച്ചിരുന്ന ഈ പത്രങ്ങൾ നിമിത്തം ജനങ്ങളെ തമ്മിൽ കുട്ടിയടിപ്പിച്ചു ഒരു സമരമുണ്ടാക്കുന്ന പതനത്തിലായി. സകലപ്രജകളും തുല്യന്മാരാണെന്നു വിചാരിച്ചു ജനങ്ങളുടെ ക്ഷേമത്തേയും സമാധാനത്തേയും സർവ്വാപരി ദീക്ഷിച്ചുകൊണ്ടു പ്രജാപരിപാലനം ചെയ്യുന്ന മഹാറാണി റീജൻറുതിരുമനസ്സുകൊണ്ടു് കലഹകാഹളം ഇനിമേൽ ധ്വനിപ്പിക്കാൻ പാടില്ലെന്നും, ജനങ്ങളുടെയിടയിൽ ഐകമത്യവും സമാധാനവും ഉണ്ടാക്കിത്തീർക്കുന്നതിനുപയോഗിക്കേണ്ട ഈ ഉപകരണത്തെ ഇനി ഒരുപയോഗപ്പെടുത്തരുതെന്നും ഉള്ള ഉദ്ദേശ്യത്തോടു കൂടിയാണ് ഈ റെഗ്ലേഷൻ കൊണ്ടുവന്നിട്ടുള്ളതു്. ഈ വിധം ഒരു റെഗ്ലേഷനെ ചില പത്രങ്ങൾ അവയുടെ അസഭ്യമായ സ്വരങ്ങൾകൊണ്ടു ക്ഷണിച്ചു വരുത്തുകയായിരുന്നു. തിരുമനസ്സിലെ കാരുണ്യത്തെക്കുറിച്ചും പ്രജകളുടെ നേർക്കുള്ള വാത്സല്യത്തെക്കുറിച്ചും ആർക്കാണു സംശയമുള്ളതു്? അതു് ഈ രാജ്യത്തെ ൪൫ ലക്ഷം ജനങ്ങളും പക്ഷഭേദം കൂടാതെ സമ്മതിക്കുന്ന സംഗതിയാണ്. സ്വന്തം പ്രജകളെ കഷ്ടപ്പെടുത്താനൊ അവരുടെ ന്യായമായ സ്വാതന്ത്ര്യത്തെ തടയാനൊ തിരുമനസ്സുകൊണ്ടു ഒരിക്കലും വിചാരിക്കയില്ലെന്നുള്ളതിനു തിരുമനസ്സിലെ ഇതുവരെയുള്ള ഭരണം തെളിവാണ്. തിരുമേനിയുടെ സ്ഥാനാരോഹണസന്ദർഭത്തിൽ കീഴിൽ ഒരിക്കലും ഉണ്ടായിട്ടില്ലാത്തവിധത്തിൽ, ഓരോ വർഗ്ഗങ്ങളിലേയും പ്രതിനിധികളെ ക്ഷണിച്ചു് അവരെ ബഹുമാനിച്ചു് ഇരിപ്പിടങ്ങൾ കൊടുത്തു്, ഡർബാർഹാളിൽ

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സ്വീകരിച്ചില്ലെ ? ഇതു തിരുമനസ്സിലെ കാരുണ്യത്തിന്റെയും സമഭാവന യുടേയും പ്രത്യക്ഷലക്ഷ്യമല്ലേ. അങ്ങിനെ പ്രജാവാത്സല്യം കാണിച്ചുവരുന്നതിരുമനസ്സിൽനിന്ന് അത്യാവശ്യം നേരിടാതെ ഇതുമാതിരി ഒരു നിയമം കല്പിച്ചുണ്ടാക്കുകയില്ല.

എന്നാൽ ഈ നിയമം ഈ സഭവഴികൊണ്ടു വരാഞ്ഞതെന്താണ് എന്നൊരു ചോദ്യം പുറപ്പെട്ടിട്ടുണ്ട്. ഈ സഭകൊണ്ടു പ്രയോജനം ഉണ്ടായിട്ടുണ്ട്. എന്നാൽ പരമാധികാരം രാജസ്ഥാനത്തു തന്നെയിരിക്കയാണ് ഇപ്പോഴത്തെ സ്ഥിതിക്കു വേണ്ടതു്. അധികാരം മുഴുവനും സഭയ്ക്കുവിട്ടുകൊടുക്കത്തക്കവണ്ണമുള്ള ഒരു നില ഈ സഭയ്ക്കു വന്നിട്ടില്ലയെന്നു പറയാതെ നിവർത്തിയില്ല. അതിലേക്ക് ഈ സഭ നടപടികളും പത്രങ്ങളും തന്നെയും സാക്ഷ്യം വഹിക്കുന്നുണ്ട്. ക്രടാതെ ചുറ്റിലും നടക്കുന്ന പല സംഗതികളും അതിനു ദൃഷ്ടാന്തമാണ്. ഇപ്പോഴത്തെ തിരഞ്ഞെടുപ്പു സമ്പ്രദായം മാറി എല്ലാവഗ്ഗത്തിലേയും പ്രതിനിധികളും ഇവിടെ വേണ്ടിടത്തോളം പ്രതിനിധീകരിക്കത്തക്കവണ്ണമുള്ള ഒരു സ്ഥിതിയുണ്ടാകാതെയിരിക്കുന്നിടത്തോളംകാലം ഈ സഭയ്ക്കു പരമാധികാരം കൊടുക്കുന്നതു് എല്ലാവിധത്തിലും പൊതുജനങ്ങൾക്കു ദോഷമായിട്ടു വരാനെ ഇടയുള്ളൂ.

"പബ്ലിക്ക്" എന്നു പറഞ്ഞാൽ ഏതാനും ചില പത്രറിപ്പോർട്ടറന്മാരോ പത്രങ്ങളോ മാത്രം അല്ലല്ലൊ. ജനങ്ങൾക്കു സമാധാനവും, ഐകമത്യവുമില്ലെങ്കിൽ രാജ്യം നിശ്ചയമായിട്ടും അധഃപതിച്ചു പോകും. കൃഷി, കൈത്തൊഴിൽ കച്ചവടം മുതലായവയെല്ലാം ഈ രാജ്യത്തു വർദ്ധിക്കുന്നതിന് ഐകമത്യം അത്യാവശ്യമാണ്. വിശേഷിച്ചു് ഉൾനാട്ടിലെ ജനങ്ങളുടെയിടയിൽ ചെന്നു ചോദിച്ചാൽ അവർ സമാധാനം, സമാധാനം, അതാണ് ആവശ്യപ്പെടുന്നതു. ബ്രാഹ്മണനും, നായരും, ക്രസ്ത്യാനിയും, ഈഴവനും, ചേർന്നു കച്ചവടം, കൃഷി മുതലായവ നടത്തുന്നതിന് ഈ പത്രങ്ങളുടെ സ്വരം ബാധകമായി തീർന്നിട്ടുണ്ട്. ഭിന്നതയെയാണ് ഇവ വർദ്ധിപ്പിക്കുന്നതു്. ഐക്യതയെ അല്ല. അതുകൊണ്ടു പ്രജകളുടെ ക്ഷേമത്തെകാംക്ഷിക്കുന്ന ഗവർണ്മെൻറ് ഈ കാര്യത്തിൽ മൌനം അവലംബിക്കാൻ പാടില്ലെന്നു വന്നപ്പോഴാണ് ഈ നിയമത്തിന്റെ ഉത്ഭവം. ചിലപത്രങ്ങളെല്ലാം നല്ലവയായിരുന്നു ജനങ്ങളുടെ ക്ഷേമത്തിനു വേണ്ടി പ്രവർത്തിച്ചുമിരുന്നു. എന്തുചെയ്യാം. ശസ്ത്രക്രിയ ചെയ്യുമ്പോൾ ദുഷിച്ചുരക്തത്തോടുകൂടി കുറെയെല്ലാം നല്ല രക്തവും പോകുന്നതുപോലെ, ഈ നിയമം ചില നല്ല പത്രങ്ങളെയും കുറെ ബാധിച്ചു

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[Mr. Tariatu Kunjitomman.]

ട്ടുണ്ട്. അതുപോലെ പരിഷ്കൃതരാജ്യങ്ങളിൽ തന്നെ ക്രിമനൽ നിയമം മാത്രം വച്ചുകൊണ്ടിരിക്കാതേ വലിയ അസ്വാസ്ഥതകളും ബഹളങ്ങളും ഉണ്ടാകുമ്പോൾ പട്ടാളനിയമം തന്നെയും ഏർപ്പെടുത്തുന്നു. അതുകൊണ്ടു നിർദ്ദോഷികളായ ചിലർക്കും അസൌകര്യങ്ങൾ ഉണ്ടാകും. അതുപോലെ ഈ നിയമംകൊണ്ടു നല്ല പത്രങ്ങൾക്കും കുറെ അസൌകര്യമുണ്ടായിരിക്കാം. ഒരു കിണറ്റിൽ കാളറായുടെ ബീജങ്ങൾ വീണിരുന്നാൽ പൊട്ടാസ്യം പെർമ്മാങ്ങിനേറ്റ് ഇട്ട ജലത്തെ പാടെ ശുദ്ധിയാക്കേണ്ടിവരുമല്ലോ? അതു പോലെ ഇവിടത്തെ അന്തരീക്ഷത്തിലും വർഗ്ഗീയ കലഹത്തിനുള്ള വിഷബീജങ്ങൾ കാണ്മിട്ടുള്ളതിനെ മാറ്റാനായിട്ടു പ്രയോഗിച്ച ഒരൌഷധമാണ് ഈ നിയമം. രാജ്യത്തു സമാധാനവും ജനങ്ങളുടെയിടയിൽ ഐകമത്യവും സൌഹാർദ്ദവും വർദ്ധിക്കണമെന്നു വിചാരിക്കുന്നവരെല്ലാം ഈ നിയമത്തെ ഇപ്പോൾ ആദരിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. രോഗം പിടിപെട്ടാൽ അരുചികരമായ ഔഷധങ്ങളും സ്വാദുകുറഞ്ഞ ഭക്ഷണസാധനങ്ങളും ഉപയോഗിക്കേണ്ടിവരുമല്ലോ. രോഗം മാറുമ്പോൾ ഇതിൽ നിന്നെല്ലാം ഒഴിവുണ്ടാകും. അതുപോലെ ഈ പത്രങ്ങളെല്ലാം ന്യായമായ പദ്ധതിയിൽ പ്രവർത്തിക്കുന്നതായി ഗവർണ്മെൻറിനു ബോദ്ധ്യപ്പെടുമ്പോൾ നിയമത്തെ ഭേദപ്പെടുത്തും. എപ്പോൾ ഈ നിയമം ആവശ്യമില്ലെന്നു തോന്നുന്നോ അപ്പോൾ മഹാറാണി റീജൻറ് തിരുമനസ്സുകൊണ്ട് അതിനെ റദ്ദു ചെയ്യും. അതുകൊണ്ടു നാം തല്ക്കാലം ഈ പത്ര റെഗുലേഷനെസംബന്ധിച്ച് യാതൊരു ആക്ഷേപവും പുറപ്പെടുവിക്കാതെ കല്പിച്ചുണ്ടാക്കിയ നിയമത്തെ ശിരസാവഹിച്ച മഹാറാണി റീജൻറ് തിരുമനസ്സിലേക്കും, രാജകുടുംബത്തോടും നമുക്കുള്ള ഭക്തിയെ പ്രത്യക്ഷപ്പെടുത്തണമെന്നു ഞാൻ അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു.

MR. C. P. THOMAS (*Nominated*): I beg to oppose the motion that has been brought forward by Mr. K. P. Nilakanta Pillai. I must also agree that, on considerations of abstract principles, the passing of such a Regulation cannot be justified. In the course of the discussion on communal representation we had occasion to see that, considered from an ideal and abstract standpoint, communal representation in public service or in representative assemblies is not desirable. But taking things as they are in our imperfectly organised societies, we are obliged, as a matter of compromise, to accept the principle of communal representation. In the same way, ideally, it is desirable that all persons in

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the State should have the privilege of speaking or publishing or writing what they think without any previous license being acquired for it. Yet, under the present condition of society, it is sometimes desirable to have such Regulations restraining the freedom of individuals or organisations.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): So that, ten years ago it was not necessary?

MR. C. P. THOMAS (*Nominated*): It might not have been necessary.

I shall speak a few words about the circumstances that led to the promulgation of this Regulation. The evil tendencies that were observed and that are even now being observed in the journalistic activities in Travancore have been well dwelt upon by the previous speakers. I do not think there is any considerable difference of opinion with regard to the deplorable condition of a certain section of the Travancore Press, looked at from the standpoint of morality or communal good-will. Now, it has been observed that this Regulation was promulgated because the Government were not willing to hear the criticisms about their administrative policy. For myself, I cannot understand whether any new policy has been enunciated or carried out by the present administration. As far as I can see, the only policy that has been carried into effect is the removal of some practical disabilities of certain communities with regard to certain rights and privileges of citizenship.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I ask the member whether he is aware that from the time of Mr. V. P. Madhava Rao, the Dewan has not been subject to very serious criticisms from the Press?

MR. C. P. THOMAS (*Nominated*): I am not speaking of that. The vehemence of the criticisms and the virulence of the language used in criticising the Government have mostly been centering round one question, *viz.*, the question of communal claims. It is no wonder therefore that the Government were obliged to have recourse to the exercise of their extraordinary powers in order to stop this tendency of rousing and enhancing communal jealousy.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Has that tendency been stopped by the passing of this Regulation?

MR. C. P. THOMAS (*Nominated*): One or two possible ways in which it could be stopped is made use of by the Government.

It has been said that the Rowlatt Act and similar Acts were in force at a time, when it was thought that anarchy was prevalent in certain Provinces in India. What I say is that communal strife will lead to a condition which will be similar to that of anarchy as we can see from the experience of the last four or five weeks in the Province of Bengal. Therefore, in my opinion, it is better for the Government to prevent such a state of society by the exercise of their powers rather than try to put a stop to such a condition of disorder after it has come about.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it the member's opinion that this measure is sufficient only so far as the communal disabilities are not wiped out?

MR. C. P. THOMAS (*Nominated*): That is one of the reasons that justifies the Proclamation. I said it was only one of the reasons.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from where the member got this information?

MR. C. P. THOMAS (*Nominated*): From a reading of the situation of the country as far as I could gather.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is there anything said in the Proclamation about the reasons for the promulgation of this Regulation?

MR. C. P. THOMAS (*Nominated*): I have gathered it from a reading of the situation.

It has been pointed out that the existing Regulations would have been enough to deal with such questions of violation of the rules. But I beg to point out that many of the publications are couched in insinuating, obscene language that it will not be practicable to bring to conviction the offenders according to the rules of the Criminal Procedure Code. Even though prosecution for such offences is carried on, there is nothing to prevent the continuation of such publications. As has been pointed out by the learned Law Member, it is of the utmost importance that something should be done whereby that paper which is known to commit that offence should be stopped.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know who is to decide that the paper is in the wrong and that the Government is in the right?

MR. C. P. THOMAS (*Nominated*): When such a difference of opinion arises, somebody should decide and it is better to leave it in the hands of the Government.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether there is responsible Government in Travancore?

MR. C. P. THOMAS (*Nominated*): There is, though it is not responsible to this house.

MR. M. N. PILLAI (*Trivandrum*): May I know the time allotted for this Demand?

PRESIDENT: I will stop when I think the views of the House have been sufficiently expressed.

MR. C. P. THOMAS (*Nominated*): For the offence committed by a few journals, it is not at all fair that every well-conducted newspaper should be made to suffer. But when we consider the solidarity of humanity, so long as we are members of certain organisation, it is inevitable that innocent people have also to suffer on account of their fellows. I should wonder why the other members of the organisation did not do everything in their power to prevent the growth of such evils. I do not

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remember having heard any journal protesting against the tone adopted by the other journals, before the Regulation was passed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Have they been given an opportunity?

MR. C. P. THOMAS (*Nominated*): There was no protest against the articles that were published. Mr. Changanachery K. Parameswaran Pillai also stated that they were such as called for severe criticism. So, I think that there is fairness in other people also suffering who failed to show their abhorrence of such publications.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Was not action taken by the Government on such articles?

MR. C. P. THOMAS (*Nominated*): But nothing was done by their fellow journalists.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): That was because the Government took action on them.

MR. C. P. THOMAS (*Nominated*): The Government took action on them long after. But I think it was the duty of the public to hold public meetings and deprecate the action of the papers in publishing such articles. So, I oppose the motion.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): I have not the least doubt that in passing this Regulation, the Government were actuated by the best of motives. I also believe that so long as a man of the mentality of Mr. Watts is at the head of the administration, it is not likely that he would be acting with any bad motives. The Chief Secretary has sufficiently explained the circumstances under which the Press Regulation happened to be enacted. He has clearly pointed out the attitude of some of the newspapers and the language used by them. I do not think it necessary to go into that question in detail, especially in the light of the decision in the *Jenmabhum* case'. I may just mention here one cirsumstance. The judgment of the High court in the *Jenmabhumi* case was brought to the Vakils' Association by Mr. V. Subba Aiyar and while it was being read, almost all the portions which were quoted from the paper in the judgment had to be omitted being unfit to be read out even in the Vakils' Association. If that be the case with some of the quotations, so far as the members of the Vakils' Association are concerned, how much more will be the effect of such newspaper writings when they are read by the ordinary masses. So I think there is nothing objectionable in passing a Regulation for the better control of the newspapers. But the question at present is whether this particular Regulation can be supported or not. I beg to submit that, as a member of this House and as an elected representative of the people of the State and of my constituency in particular, it is my duty to bring before the attention of the Government what I candidly believe to be the public opinion in this matter. I am sorry to observe that the discussion seems to have been carried on with some sort of communal bias at the bottom. I cannot understand the position taken up by some of the members except in that

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light. The duty of the elected representatives is to represent the public opinion. The members should be honest and sincere in representing public opinion for the enlightenment of the Government. Otherwise, they are simply deceiving the Government and the people alike. I am sure that the Government will not be moved by such opinion. The members are to advise the Government in the proper way so that the Government may mend their position if they have gone wrong.

MR. N. V. JOSEPH (*Parur*): Taking the member as a man having the true interests of the country in his mind, what is his sincere opinion as to the necessity for this Regulation?.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): I shall answer the question at the end.

So every member has to view the matter in its real perspective. Of course, we all know that the Government in this country have got absolute powers. If the Government really understand that a certain measure is in the real and best interests of the State, they can enact the measure whatever the public opinion may be. In that light also, I cannot understand why members having the best interests of the State should not represent to the Government the real public opinion as they understand it. I do not know if there is anything else at the bottom of it.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): May I ask whether the member's opinions are honest?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): I shall answer him at the end, as I have already said to Mr. Joseph.

So far as this House is concerned, the chief question relates to the method of promulgation of this Regulation. It has already been pointed out that several of the provisions are hard and unnecessary. I also believe that some of the provisions are unnecessary and even hard. A few newspapers it is true have invited this Regulation. But the fact that a certain section of the Press has gone wrong is no reason why all the newspapers should be put under the Regulation. The Government seem to view the whole newspaper world itself with some sort of suspicion. If certain papers have offended, provisions may be made for regulating the offending section of the Press. Some of the members were making the suggestion that a law is intended to regulate the whole people. But I do not think there would have been any difficulty if, in this Regulation itself, provisions were made to furnish security in the case of offending papers alone. It is not necessary that there should be a provision obliging all papers to take a license at the time of their starting. The present provisions mean that the Government view with suspicion all the papers even before they are started. I cannot understand such a position.

Another objection is that punishment should not be made before enquiry. Every one knows that a paper depends on regular publication for its existence. If a paper is stopped even for a week or two weeks, it seriously affects its circulation and even its existence. I cannot think that such a murdering of the newspaper on mere suspicion is in any way

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fair. It would have been right to punish it after proper enquiry. The Regulation ought to have provided for the continuance of the paper pending the enquiry and decision by the High Court. I may say that there are other provisions also in the Regulation which are not quite necessary. I can understand that, under the present condition, the Executive wants a better control over the Press. But the question at present is as regards the provisions of this Regulation. The suspension of publication of a paper pending judicial enquiry by the High Court may lead to the stopping of its publication altogether. Mere suspicion is not sufficient ground to kill the paper altogether.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): Sir, he has not answered my question. He is going to sit down suddenly.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): If a Bill had been introduced in this Council, all these provisions would have been properly considered by this House and a proper Regulation enacted. This one reason, *viz.*, that the measure was enacted without bringing it before this House for consideration, is sufficient for disapproving the Regulation. The passing of this Regulation by using the Sovereign's prerogative is also striking at the very root of the growth of popular institutions in the State. The Legislative Council is only in its initial stage and even the powers of asking questions are being curtailed by the Secretary or rather the President. The President has been disallowing questions under Rule 8 without assigning any reason.

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): On a point of order, Sir, the ruling of the President is not liable to be discussed here.

PRESIDENT: Mr. Joseph, you are out of order.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): How, Sir, does the Secretary say I am not in order?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): This is what Rule 12 of the *Legislative Council Rules*, says:—

"No discussion in the Council shall be permitted in respect of any order of the President under Rule 7, 10 or 11."

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): But there is no rule prohibiting discussion or orders passed under Rule 8.

PRESIDENT: Your time is up.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Am I to stop?

PRESIDENT: Yes, you must stop.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): If I am to stop, I resume my seat.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Sir, before supporting this motion before the House, I must thank the Government for having accorded permission to discuss this motion for which some of us have been anxiously waiting. The first and foremost thing which I wish to urge before this House is the method of promulgation of this Regulation. Ignoring the existence of this Council, constituted of representatives

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both of the people as well as of the Government, this Regulation has been passed. In this connection, I do not deny the Royal prerogative to pass such a measure. But this prerogative is used only in cases of emergency and extreme necessity. This extreme necessity has not been sufficiently established. In this connection, I would say that although the representatives of the Government were trying their level best to explain this away, the Law Member was only pleased to explain it on the ground of expediency. Any matter can be explained away in this way. The necessity therefore has not been sufficiently established. If the Government had found any necessity for checking any paper for having transgressed the limits of decency and decorum, those cases could have been dealt with as individual cases and treated as such. We know as a matter of fact that the Government have dealt with such cases very very severely since the three or four months the Regulation had been in force. But this is a Regulation which affects the whole newspaper-world, which affects the liberty of the citizen. Newspaper is a potent force, a mighty weapon which influences the public opinion of any country. It is the voice of the people; and it also reflects the social and political outlook of any country. Now, this Regulation is, as it were, a mill-stone over the freedom of the Press. It is a Damocles' sword against the freedom of the individual.

Now I would only speak a word or two about the hard provisions that are introduced in this Regulation. First and foremost is that whenever a newspaper contains any words to excite disaffection against or bring into hatred or contempt the Sovereign—this is a thing which cannot be dreamt of by any true subject of His Highness the Maha Raja—it is to be forfeited. Loyalty is his watchword; it is inborn in him; it influences his life. As Mr. Kallur Narayana Pillai has said, it is disgraceful that such a clause should have found a place in the Regulation. This provision wants to exact loyalty from the citizen? It is not the right way of doing it. It is taking away the virtue of the term. That is my firm conviction, my firm faith. Another clause relates to the deposit of five hundred or two thousand rupees. In the case of a newspaper editor who is a Travancorean, this is a very big amount. Another thing is that any police man can make a house-search. He can go even into the *sanctum sanctorum* of our houses and we can only imagine what all havoc these people would do there. We can imagine for a moment what may be created out of such a situation. I cannot speak more explicitly on this point. That is rather a ravage upon the liberty of the citizen. Such a clause should never have found a place here. Now this Regulation can again inflict punishment upon a person before he is found guilty.

MR. C. P. THOMAS (*Nominated*): Is there not a distinct provision as to the class of police officers who will do house-search?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): If an elderly policeman puts a newspaper in his pocket and goes into the house and puts it there and takes it out as being found in the house, what is the remedy?

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MR. C. P. THOMAS (*Nominated*): Can he say if there are such cases ?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): There are such cases. I think such a case was detected in Chalai. It was reported in a paper that, in a theft case, a policeman was accomplice to it. A policeman should not therefore be entrusted with such duty, especially as it enables him to enter into the quarters of women.

The next thing I have to speak about is with regard to the working of the Regulation. So far as it has been pointed out, we see that the working of the Regulation was arbitrary. I am speaking of the method of determining the license fees. On what grounds the license fees were fixed is not sure. If it was determined on the articles that appeared in the newspapers before the Regulation came into force, it is giving retrospective effect to this law. Some of the arguments that were urged by the Government members amounted to only thus much, as far as I have been able to gather. That is to say, if the editors of newspapers were responsible and educated, much of the evils contemplated by this Regulation would be avoided. That is what was stated by the members on the other side. If that was the case, the qualification for editorship should have found a place in this Regulation, and it would have been a very wise one. I would not deny, of course, the argument advanced by Mr. Joseph that there were, and are, papers the tone of which is not sober and has created animosity between community and community and race and race. But these ought to be taken as individual cases and dealt with as such. But, instead of doing that this Regulation has been hurled at the newspaper-world. I am extremely sorry that I have to record a very strong protest against this Regulation, and as a constructive suggestion also, I would request the Government to see that the qualifications for editors or for the matter of that compositor or publisher may be prescribed and the hard provisions of this Regulation may be repealed so as to pacify the commotion that is already arising amongst the people of the country. I believe it is never too late for the Government to mend matters. I earnestly believe that there is a commotion and I urge this fact before the House and the Government and request that they should be pleased to have a sympathetic outlook and see that this grievance is redressed soon.

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): Sir, I rise to oppose the motion and, in doing so, I may tell the members on the other side that I am not a lawyer, that I am only speaking as a layman and that I will not be able to stand cross-examination in legal quibbles. I have been listening with interest to the speeches delivered by the members on the other side of the House. The Newspapers Regulation has been characterised as a piece of iniquitous legislation promulgated by the Executive Government to gag the Press in order that their blunders and misdeeds may not be exposed. As far as I know the attitude of the present Government, this is far from the truth The Government always welcome all fair and reasonable criticisms of

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their acts and measures. In these days of advanced democracy, it is not possible for any Government to stifle public criticism, to ignore the opinion of the opposite side and administer the country as they like. If there is any Native State in India which respects constitutionalism, I am sure, it is Travancore. It may then be asked, why such a constitutional Government as that of Travancore promulgated a Regulation to regulate the conduct of newspapers. Sir, it will be admitted by all right—thinking people that, in Travancore, there have been, and I believe there are, newspapers whose conduct has got to be regulated. Several members admitted that the evil of irresponsible journalism does exist in Travancore and it is the duty of the Government to find ways and means to root out this evil and to promote harmony and peace among the different sections of the public. Sir, I am a regular reader of newspapers not only of Travancore, but of other countries also. Of course, I pay for them and read them. (*Laughter.*) Probably, there may be others who do not do that and that is why some papers resort to blackmailing in order to earn a living. I have been reading these newspapers for two objects. One is to know what the public think of the acts and measures of the Government and its departments and the other is to find out which papers should be destroyed so that they may not fall into the hands of the ladies and children in the house. There are certain papers which do publish articles which it is not desirable for respectable ladies and children to read. The influence of the newspapers on young people is very great and we must certainly prevent them from reading the pernicious articles published in their columns. The youths of today are the citizens of tomorrow. They are already contaminated by all sorts of fantastic ideas of equality, fraternity and liberty, and we should see that they are not further contaminated by the pernicious vituperations contained in these newspapers. It is the duty of the Government to see that the young generation is protected from the bad influence which is likely to be produced by reading these cheap newspapers which indulge in all sorts of vituperations.

Then again, some of the newspapers are generally responsible for all the heat and storm that have been raised over communal questions. I doubt very seriously whether the tension between the different sections of the public would have been what it is at present had it not been for the mischief done by some of the newspapers. I think it is the duty of the Government to interfere at such a juncture and devise ways and means of stopping the communal jealousies and rivalry and do all that is possible to promote harmony and peace instead of breeding discord and discontent among the people. The object of the Government in promulgating this Regulation is only this, as far as I am able to understand it. Objections have been raised against the Regulation in two respects. One is about the method of promulgation and this has been ably met by my learned friend the Law Member. It has been pointed out that it is the prerogative of the Sovereign to resort to direct

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legislation whenever it is found necessary to do so' and this practice of direct legislation without consulting the Legislative Council is not a novel procedure in Travancore. It was resorted to in the previous administrations and I do not think it is fair to lay the charge of having set up a bad precedent at the door of the present administration.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I am tempted to ask a question as to whether he could point out an instance in which this extraordinary reserve power was used for legislating upon a matter within the cognisance of the Legislative Council.

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): As I said at the beginning, I cannot stand cross-examination. The power of direct legislation without consulting the Council is vested in the Sovereign and the Sovereign exercised only that power.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): Is Dr. Kunjan Pillai aware that a Proclamation was issued transporting the editor of a paper proscribing also that paper?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I am aware of that.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Was it within the cognisance of the Legislative Council?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): As far as I remember, it was not.

The other objection raised against the Regulation is the severity of the provisions contained in it. With regard to this, I wish to point out that the severity of the provisions need be feared only by the offending newspapers. The papers which are conducted on proper lines need have no fear at all. The Regulation is a Damocles' sword hanging only over the heads of newspapers which commit offences.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ഡാക്ടർ കുഞ്ഞൻ പിള്ളയ്ക്ക് ഇങ്ങിനെ യെയ്യും പറയാൻ എങ്ങിനെ സാധിക്കും?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): ഇന്നയിന്ന കുറ്റം ചെയ്താൽ ആ റഗുലേഷൻ ബാധിക്കുമെന്നു പറഞ്ഞിട്ടില്ലേ? ആ കുറ്റങ്ങൾ പത്രങ്ങളിൽ കണ്ടാൽ അതു ബാധിക്കും.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): പത്ര നിയമത്തിൽ ഉൾപ്പെടാതെ പത്രവിമർശനം സാദ്ധ്യമാണോ?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I differ from my friend. Sir, only the offending newspapers need fear this Regulation. If they conduct themselves properly, there is nothing which they need be afraid of. The Government have been actuated by the best of motives in promulgating this Regulation. Their intention is to protect the youth from the evil influence likely to be exercised by the pernicious writings in the newspapers and also to promote harmony and peace among different sections of the people. With these few words, I oppose the motion of Mr. K. P. Nilakanta Pillai.

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MR. M. SIVATANU PILLAI (*Tovala*) : Sir, I feel I should support this motion. But while I was just listening to the speech of the Chief Secretary, I was almost tempted to say every syllable of his speech was true when he condemned the present tone of the newspapers as a whole in Travancore—I mean he characterised *some* of them as most scurrilous and others violent in their writings—

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*) : Did not the Chief Secretary explicitly exclude certain newspapers?

MR. M. SIVATANU PILLAI (*Tovala*): He referred to some only as condemnable. That was why I subsequently corrected myself and said that the Chief Secretary excluded certain newspapers from that category. I was anxious to know whether he would also draw attention to the fact that Mr. Changanachery Paramesvaran Pillai gave expression to his views regarding this aspect of journalism in Travancore at a meeting, and I am glad to find both he and the Law Member went to the extent of even quoting him. I am also one of those who are inclined to think that to a certain extent journalism in Travancore is highly condemnable. They indulge in intemperate language. As Mr. George pointed out, to put it shortly, certain newspapers do not exclude even the sacred precincts of womanhood and much less manhood from the irvile vituperations, while, Sir, on certain occasions, I was myself temptedto think how some papers praise the officials without rhyme or reason. I also know of certain instances where certain officials have fallen a prey to black-mailing. If any member would ask me, I will be quite willing to quote an instance of that kind. While I was engaged in conversing with a high official, I had the necessity to point out that certain papers were indulging in condemning the actions of the officials in a vile manner. I only implored the high official not to be taken aback by these publications and told him "don't you rush in an angry mood to suppress this paper thereby making a martyr of the editor, but leave him to himself, and the society in due course will compel the newspaper to adopt a sense of decency and a sense of proportion or condemn the newspaper and boycott it". But I am really sorry that my earnest advice was overlooked in that case. I do endorse the statement made by my friend Mr. Changanachery Paramesvaran Pillai that there are certain papers which are responsible for some such action as the Government have taken and set them to be seriously thinking for controlling the tone of their publications. What I understand from the report of his speech is, unlike the Law Member, that he only deplored that there was occasion for it, whether justifiable or not. That occasion was brought about by certain newspapers indulging in excesses. I only bring to the attention of the House the fact that at that meeting, citizens as a whole condemned them and did not try to advise the method of suppressing the particular paper or papers that indulged in filthy criticisms. Anyhow, I am surprised to see that his observation was endorsed by the Government members; but his diagnosis of the case has not been accepted. I believe his is the correct attitude. The present tone of certain papers which indulge in bad

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language is to a great extent due to the conduct of the Government, as a whole exploiting the agitation for communal representation. Communal jealousy becomes blind and sometimes rabid. This is to a great extent responsible for intemperate language used by certain newspapers supporting communal interests.

Sir, when the Newspapers Regulation was promulgated, a friend of mine asked me how such a thing was done behind our back. I simply answered him that the question—

MR. K. K. THOMAS (*Kottayam*): Is he aware of the provisions of the Legislative Council Regulation?

MR. M. SIVATANU PILLAI (*Tovala*): There is provision under the Regulation. He asked me plainly why this Regulation is not passed by the Council. I told him I did not know. Anyhow, I was satisfying myself at that time as to the pitiable motive of the Government. I was inclined to see the justification, but I would rather have the simple question put to the Government whether it will not be advisable and more gracious and reasonable to bring it before this House and promulgate such a measure, if found necessary.

In another minute, Sir, I shall close. I am really prepared to concede that the Sovereign has the right to introduce such a legislation without consulting us. But this Regulation is a subject which should properly have been discussed by this Council. Since such a thing has not been done, it is certainly an insult to the members of this House. With regard to its provisions, they are unnecessarily harsh and require reconsideration. So, I appeal to the members on the other side to see that it is highly desirable to place the matter before the Council and take the considered opinion of this House.

MR. C. P. TARAKAN (*Kunnatnad*): വത്തമാനപ്പത്രറെഗുലേഷനെ സംബന്ധിച്ച് ഈ സഭയുടെ അഭിപ്രായം എന്താണെന്ന വാദപ്രതിവാദം മുഖാന്തിരം വെളിപ്പെടുത്തുന്നതിന് അവസരം ഉണ്ടാക്കാനായി ഞാൻ ഇവിടെ സമർപ്പിച്ചപ്രമേയത്തെ സംബന്ധിച്ച വത്തമാനപ്പത്രപ്രതിഷേധക്കമ്മിറ്റി പ്രസിഡൻറുപോലും അനുകൂലഭാവം കാണിക്കാതെ വിരുദ്ധാഭിപ്രായം പ്രസ്താവിക്കയും പല സാമാജികന്മാരും അനുകൂലിക്കാതിരിക്കുകയും ചെയ്തതിനാൽ ഞാൻ ആദ്യമായി എന്തെങ്കിലും പ്രസ്താവിച്ചാൽ അവർ അതു നിമിത്തം റെഗുലേഷനെ അനുകൂലിക്കുമോ എന്ന സംശയം ഉള്ളതുകൊണ്ടാണ് ഇതുവരെ ഞാൻ ഒന്നും പ്രസ്താവിക്കാതിരുന്നതു. വത്തമാനപ്പത്രങ്ങൾക്കു ഗവർണ്മെൻറിനെ എന്നപോലെ, പൊതുസ്ഥാപനങ്ങളേയൊ പൊതുജനപ്രതിനിധികളേയൊ വ്യക്തികളെത്തന്നേയുമൊ ശകാരിയായിട്ടും ദൈവ്വമായിട്ടും, ചിലപ്പോൾ അനാവശ്യമായിട്ടും അസംബന്ധമായിട്ടും, ശകാരിക്കാനും കുറ്റം പറയാനും ഉള്ള സ്വാതന്ത്ര്യം ഉണ്ടായിരിക്കേണ്ടതു് എത്രയും അത്യാവശ്യമാണ്. എല്ലാ മനുഷ്യർക്കും,

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[Mr. C. P. Tarakan.]

എല്ലാ സ്ഥാപനങ്ങൾക്കും ഇതുപോലേയുള്ള സ്വാതന്ത്ര്യം ഉണ്ടായിരിക്കേണ്ടതാണ്. എന്നാൽ എപ്പോഴെങ്കിലും, ഈ സ്വാതന്ത്ര്യത്തെ ആരെങ്കിലും ദുരുപയോഗപ്പെടുത്തുന്നതായി കണ്ടാൽ ആ ദുരുപയോഗപ്പെടുത്തൽ മേലാൽ ഉണ്ടാകാതിരിക്കുന്നതിന് ആവശ്യമുള്ള നിയമങ്ങളും ചട്ടങ്ങളും ഉണ്ടാക്കേണ്ടതു് അതാവശ്യമാണ്. തിരുവിതാംകൂറിലെ വർത്തമാനപ്പത്രങ്ങൾക്കു നമ്മുടെ ഗവർണ്മെൻറും മഹാരാജാവുതിരുമനസ്സുകൊണ്ടും സർവ്വസ്വാതന്ത്ര്യം അനുവദിച്ചിരുന്നു എന്നുള്ളതു് എല്ലാവർക്കും അറിയാവുന്നതാണ്. ഈ സ്വാതന്ത്ര്യം പലവിധത്തിൽ ദുരുപയോഗപ്പെടുത്തി എന്നു സമ്മതിക്കാതെ നിവർത്തിയില്ല. ഇങ്ങിനെ ദുരുപയോഗപ്പെടുത്തുകയും സമുദായങ്ങളിൽ പലവിധ കുഴപ്പങ്ങൾ ഉണ്ടാകാൻ ന്യായമുണ്ടെന്നു ഗവർണ്മെൻറിനു ന്യായമായ സംശയം തോന്നുകയും ചെയ്യുമ്പോൾ ഉത്തരവാദിത്വബോധമുള്ള ഗവർണ്മെൻറു വെറുതെ ഇരിക്കുക എന്നുള്ളതു് അസാധാരണമാണ് എന്നുമാത്രമല്ലാ, വെറുതേയിരിക്കാൻ ഉപദേശിക്കുന്നതു ന്യായവും ആയിരിക്കുകയില്ല. ഗവർണ്മെൻറിനേയും ഗവർണ്മെൻറ് ഉദ്യോഗസ്ഥന്മാരേയും പൊതുജനങ്ങളേയും പൊതുസ്ഥാപനങ്ങളേയും എന്നുവേണ്ട സമുദായങ്ങളെത്തന്നെയും അന്യോന്യം അനാവശ്യമായും കേവലം നീചമായും ശകാരിക്കാൻ തിരുവിതാംകൂറിലെ പരിശുദ്ധപത്രലോകത്തിൻറെ ഒരു വിഭാഗം തയ്യാറായി എന്നു ഞാൻ മാത്രമല്ല, ഈ സഭയിലിരിക്കുന്ന അധികം ആളുകളും സമ്മതിക്കുമെന്നു വിശ്വസിക്കുന്നു. തൻറെ പരിശുദ്ധമായ ജീവിതം കൊണ്ടു തിരുവിതാംകൂറിൽമാത്രമല്ലാ ഇൻഡ്യാസാമ്രാജ്യത്തിൽതന്നെയും സ്ത്രീകളുടെ മാതൃകയായി ശോഭിക്കുന്ന മഹാറാണി തിരുമനസ്സിനെ ഉദ്ദേശിച്ചു് ഈ പത്രബന്ധുക്കളിൽ ഒരാൾ പ്രയോഗിച്ച പദം ഉച്ചരിക്കുന്നതിനുള്ള ധൈര്യവും സാമർത്ഥ്യവും ഞാൻ ചെറുപ്പകാലത്തുപോലും പരിശീലിച്ചിട്ടില്ലാത്തതുകൊണ്ടു ഇവിടെ ഉച്ചരിക്കുന്നില്ല. ഇതുപോലെ ഈ പരിശുദ്ധപത്രലോകം വിതറിയ രാജദ്രോഹമായ അഭിപ്രായങ്ങളെ സംബന്ധിച്ച സപ്പുമായ ഒരു ഉദാഹരണം പറഞ്ഞുകൊള്ളട്ടെ.

ഈ സഭ ആരംഭിച്ചതിനുശേഷം ഇവിടെ അടുത്തു് L. M. S. ഹാളിൽവച്ചു് ഈഴവസമുദായത്തിൻറെ ഒരു മഹായോഗം കൂടുകയുണ്ടായി. അന്നു് ആ സഭയിൽ മറ്റു സാമാജികന്മാരുടെ കൂട്ടത്തിൽ ഞാനും സന്നദ്ധനായിരുന്നു. ഈ സഭയിൽ മഹാരാജാവു തിരുമനസ്സിനോടും മഹാറാണി റീജൻറു തിരുമനസ്സിനോടും ഉള്ള ഭക്ത്യാദര ബഹുമാന

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ങ്ങളെ പ്രദർശിപ്പിക്കുന്ന എന്നു പറഞ്ഞുകൊണ്ട് ഒരു പ്രമേയം അവതരിപ്പിക്കയും എല്ലാ അളുകളും എഴുനേറ്റുനില്ക്കുകയും ചെയ്തു. അയവസ്സത്തിൽ ഒരു മൂലയിൽ ഒരാൾ ഇരിക്കുന്നതുകണ്ടു. മറെറാരാൾ അയാളോടു "എന്താ! നിങ്ങൾക്കു രാജഭക്തി ഇല്ലെ" എന്നു ചോദിച്ചപ്പോൾ "ഇല്ലാ" എന്നാണു മറുപടി പറഞ്ഞതു്.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): അതു് റെഗുലേഷൻ പാസ്സാക്കുന്നതിനു മുമ്പോ പിന്നെയോ? (ചിരി.)

MR. C. P. TARAKAN (*Kunnatnad*): റെഗുലേഷൻ പാസ്സാക്കിയതിൽ പിന്നെയാണു്. എന്നാലും അങ്ങിനെ ചെയ്യുവാൻ യാതൊരാവശ്യവുമില്ല.

പിന്നെ അന്വേഷിച്ചതിൽ അദ്ദേഹം ഒരു പത്രത്തിന്റെ സബ് എഡിറർ ആണെന്നു മനസ്സിലായി.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): ആ യോഗത്തിൽ എത്ര ആളുകൾ ഉണ്ടായിരുന്നു?

MR. C. P. TARAKAN (*Kunnatnad*): വളരെ ആളുകൾ ഉണ്ടായിരുന്നു.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): ൫൦൦ ആളുകൾ വരുമോ?

MR. C. P. TARAKAN (*Kunnatnad*): അഞ്ഞൂറു ആളുകൾ ഉണ്ടായിരിക്കും. എല്ലാവരും ഇങ്ങിനെയുള്ളവരെന്നു ഞാൻ പറയുന്നില്ലാ. അധികം ആളുകളും മഹാരാജാവു തിരുമനസ്സിനോടും രാജകുടുംബത്തോടും ഭക്തിയും ബഹുമാനവും ഉള്ളവരാണു്. ഇങ്ങിനെ, ഒരു പത്രത്തിൽ മഹാറാണി തിരുമനസ്സിലെ നേക്കു് നീചമായ പദം ഉപയോഗിക്കത്തക്കവിധത്തിൽ മനസ്ഥിതിയുള്ള രാജദ്രോഹിയേയും രാജഭക്തിയെ പ്രദർശിപ്പിക്കാനുള്ള പ്രമേയത്തെ നിന്ദിക്കത്തക്ക ധൈര്യമുണ്ടായ മറെറാരു രാജദ്രോഹിയേയും പാലിച്ചുകൊണ്ടുപോകാനുള്ള അവസ്ഥാന്തരം തിരുവിതാംകൂറിൽ വന്നാൽ ഇപ്പോഴത്തെ റെഗുലേഷനെപ്പോലെയൊ അതിനേക്കാൾ കഠിനമായിട്ടുള്ളതോ ആയ ഒരു റെഗുലേഷനെ വഹിക്കാൻ നാം തയാറായിരിക്കണമെന്നാണു് എന്റെ അഭിപ്രായം. പത്രലോകത്തിൽ ഏതെങ്കിലും ഒരംശം ദുഷിക്കുന്നതായിക്കണ്ടാൽ ശക്തിയായ പൊതുജനാഭിപ്രായം കൊണ്ടു് അതിനെ പ്രതിഷേധിച്ചു് അങ്ങിനെയുള്ള രാജദ്രോഹം അന്യന്മാരുടെയിടയിൽ ബാധിക്കാതിരിക്കുന്നതിനു ശ്രമിക്കേണ്ടതു് എല്ലാ അളുകളുടേയും കടമയാണു്. ഇങ്ങിനെയുള്ള ജീവിത രീതിയെ നാം സ്വീകരിച്ച രാജദ്രോഹവും മറുവിധത്തിലുള്ള ദുഷ്ടാഭിപ്രായങ്ങളും

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[Mr. C. P. Tarakan.]

അമതേണ്ടതു് എത്രയും അത്യാവശ്യമാണു്. അങ്ങിനെ പ്രവത്തിക്കാതിരുന്നസ്ഥിതിക്കു നമ്മുടെ ഗവർണ്മെൻറു പത്രങ്ങളെ നിയന്ത്രിക്കേണ്ടതു് അത്യാവശ്യമാണെന്നു വിചാരിക്കുന്നതിൽ എനിക്കു് ലവലേശം വിപരീതാഭിപ്രായമില്ലാ. ഇങ്ങിനെ ഒരു നിയന്ത്രണം അഹിക്കത്തക്കവിധത്തിലുള്ള ഒരു നില പത്രലോകം സ്വീകരിച്ചിരുന്നു എന്നാണു് എൻെറ അഭിപ്രായം. എന്നാൽ ഈ റെഗുലേഷൻ നടപ്പാക്കിയതു സംബന്ധിച്ചു ഗവർണ്മെൻറു് ഈ സഭയോടു് ആവശ്യമുള്ള വിശ്വാസം പ്രദർശിപ്പിച്ചില്ലാ എന്നാണു് എനിക്കു തോന്നിട്ടുള്ളതു്. നമ്മുടെ സംസ്ഥാനത്തിൻെറ അവസ്ഥ നല്ലപോലെ മനസ്സിലാക്കുന്നതിനു് ശക്തിയുള്ള സാമാജികന്മാരാണു് ഇവിടെ ഇരിക്കുന്നതു്. ഈ നിലയ്ക്കു് ഇവിടത്തെ സമുദായത്തിൻേറയും പത്രലോകത്തിൻേറയും സ്ഥിതിക്കു്, ആവശ്യമുള്ള ഒരു റഗുലേഷൻ ഈ സഭയിൽ അവതരിപ്പിക്കാൻ ഗവർണ്മെൻറു ധൈര്യപ്പെടാതിരുന്നതു് എന്തുകൊണ്ടാണെന്നു മനസ്സിലാകുന്നില്ലാ. ഇങ്ങിനെ ഒരു റഗുലേഷൻ സഭയിൽ അവതരിപ്പിച്ചു അതു സഭ സ്വീകരിക്കാതിരിക്കുന്നപക്ഷം മഹാറാണി തിരുമനസ്സിലെ സ്വാതന്ത്ര്യാധികാരം ഉപയോഗിച്ചു ഒരു നിയമം നടപ്പാക്കാൻ ഗവർണ്മെൻറിനു സ്വാതന്ത്ര്യം ഉണ്ടായിരുന്നസ്ഥിതിക്കു്—

MR. K. K. THOMAS (*Kottayam*): സ്വാതന്ത്ര്യം ഉണ്ടായിട്ടുള്ളതുകൊണ്ടാണല്ലോ അങ്ങിനെ ചെയ്തതു്.

MR. C. P. TARAKAN (*Kunnatnad*): അതിനു സഭയുടെ അഭിപ്രായം എന്താണെന്നു് അറിഞ്ഞതിനുശേഷം പത്രറെഗുലേഷൻ നടപ്പാക്കാമെന്നു് ഗവർണ്മെൻറു് തീരുമാനിക്കേണ്ടതായിരുന്നു. അങ്ങിനെ ചെയ്തിരുന്നു എങ്കിൽ ഇപ്പോൾ ഈ റഗുലേഷനിൽ ആവശ്യമുള്ള ഭേദഗതികൾ ചെയ്യുവാൻ സാധിക്കുമായിരുന്നു.

ഇപ്പോഴത്തെ നിയമംപോലെയൊ അതിൽനിന്നു വ്യത്യാസപ്പെട്ടതൊ ആയ ഒരു നിയമത്തെ അവധാനപൂർവ്വം ആലോചിച്ചു ഈ സഭയിൽ ഭൂരിപക്ഷം ആളുകളുടെ അഭിപ്രായത്തിനും ആലോചനക്കുമായി സമർപ്പിച്ചു് അവരുടെ അഭിപ്രായം അറിഞ്ഞശേഷം അതു പാസാക്കാൻ ശ്രമിക്കേണ്ടതാണു് എന്നു പ്രസ്താപിച്ചുകൊണ്ടു് എൻെറ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

MR. K. K. THOMAS (*Kottayam*): Does the member admit that there has been an extraordinary situation in the country?

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MR. C. P. TARAKAN (*Kunnatnad*) : Yes, I admit that there has been an extraordinary situation, but not as much as to necessitate the promulgation of a Regulation without consulting this House.

MR. C. P. THOMAS (*Nominated*): May I put one question?

MR. C. P. TARAKAN (*Kunnatnad*): I have already resumed my seat.

MR. C. P. THOMAS (*Nominated*): I put the question before you sat down.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Sir, the question can only be addressed to the President. Mr. Thomas is talking to Mr. Tarakan.

MR. C. P. THOMAS (*Nominated*) : Sir, I want to put a question to Mr. Tarakan.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Mr. Tarakan has already sat down.

PRESIDENT : Mr. Tarakan is not now in possession of the House.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : Sir, I think I may say a few words on this motion. I may, in the first place, congratulate you, Sir, as Mr. Sivatanu Pillai has done, for having given an opportunity to this House to discuss this all-important question irrespective of technicalities in the matter. Let me at the outset say that I am not going to say anything about the several provisions of the Regulation. They are matters to be considered by the House in another capacity if an opportunity is given them. The defects, if any, might be brought to the notice of the Government in various other directions. I do not think the House is now very much concerned as to the nature of the provisions contained in the Regulation.

Taking the general trend of the discussion, I believe there are three points that have been enunicated, *viz.*, whether there has been any necessity for the promulgation of the Regulation, whether the authority that promulgated it has the power to do it and whether the mode in which it has been promulgated was justifiable. These three, I think, are the only vital questions in the matter. It is absolutely unnecessary for us to go into the details of the provisions at present. If there are any defects in the provisions, they may, as I have already submitted, be brought to the notice of the Government for purposes of modification. I do not think any legislation could be considered to be perfect. Nothing in the world is perfect or permanent. We all know that, recently, the Law Member brought in an amending Regulation to remedy some of the defects in certain legislative enactments that had been passed not very long ago.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Does Mr. Subba Aiyar say that the discussions of Bills in this House have been entirely profitless?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : I never said that. I will come to that aspect of the question later on.

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[Mr. V. Subba Aiyar.]

We need not trouble ourselves at present with the provisions of the Regulation for the reason that there may be defects in all legislations. There may be defects in the Newspapers Regulation also as there are defects in the various other Regulations passed through the House and whenever such defects are brought to the notice of the authorities, I am sure they will consider the matter and do the needful at the earliest opportunity. Similarly, if there are difficulties in the working of this Regulation, that fact need not deter us from considering the necessity for the Regulation and such other questions. There is also another difficulty in our discussing the details of the provisions at the present moment, because, even if we discuss the question for a number of days, we may not be able to arrive at any definite conclusion. Therefore, Sir, leaving aside the details of the provisions, I will first deal with the second of my three points, *viz.*, the question as to whether the authority that promulgated this piece of legislation was competent to do so.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Did anybody question the competency of the authority that promulgated this legislation?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Sir, I thought the mover, Mr. K. P. Nilakanta Pillai, raised the question of the legality of the method by which it has been promulgated. I am very glad, Sir, that my friends who have been opposing this legislation are prepared to concede that the authority that promulgated it had the necessary power to do so. My position is strengthened so far. I was only going to say, Sir, that when we question the power of the authority that promulgated this Regulation, we are only cutting the ground off our feet; because even with regard to the several other Regulations that have been passed already and are now on the Statute Book, *viz.*, Regulations like the Nayar Regulation and the Ezhava Regulation, the very same difficulty may arise, since all of them have been finally passed by the very same power that has promulgated this Regulation. I do not think my friend Mr. K. P. Nilakanta Pillai is going to say that the Nayar Regulation and the Ezhava Regulation have not been properly passed or have not the force of law.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether there is any difference, in the matter of Royal prerogative, between a Sovereign and a Regent?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Sir, I am not going to be dragged into that question because that is foreign to the issue. Moreover, I believe it is an accepted principle in all civilised countries that the Regent, during the period of regency, has got all the powers, privileges and prerogatives of the Sovereign. Otherwise, we will be in a position of considerable difficulty. Deadlock will be created in all matters. It is to avoid all that, that the Regent also is in law invested

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with all the powers of the Sovereign. As I have already pointed out, this question, if raised and discussed, may lead us into further difficulties as to whether even the Regulations that have been passed through this House have been promulgated properly. The question may arise as to whether *tarwads* could be partitioned under the Ezhava Regulation or under the Nayar Regulation. Such questions are foreign to the issue.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I ask my friend Mr. Subba Aiyar whether he has read Halsbury's Laws of England?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I am prepared to admit, Sir, that I may not have studied Halsbury's Laws of England. Lord Halsbury has written a number of ponderous volumes and I do not think anybody who is in the profession of law has ever studied all the volumes. Here and there, I have referred to some of the volumes. I do not profess to have studied even a single volume from beginning to end.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Did he not consider it desirable to go through the books in order that this question might be cleared?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): No, I did not consider it desirable because that is absolutely unnecessary for our present purpose. That is beyond the issue. We are not at all concerned with it at present.

My friend Mr. Changanachery Paramesvaran Pillai raised the question whether this right of the Sovereign to promulgate legislation directly has ever been exercised by our Sovereign here before the passing of this Newspapers Regulation. I may say—I am speaking only from my memory which is rather failing and so I speak subject to correction—His late Highness promulgated, I believe, about 15 Regulations in the period between 1063 and 1073 independent of the Council. After 1073, up to the Regulation of 1095, the number of such promulgations amounted to about 18 or 20. I may assure my friend Mr. Changanachery Paramesvaran Pillai that, of these, not less than 5 or 6 were matters that could have been brought before the Council. If I am asked to give the names and titles of the several Regulations, I am sorry, Sir, I am not now in a position to give out the names out of my memory.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I suggest Regulation I of 1095 as one of the kind referred to by Mr. Subba Aiyar?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): That is the Legislative Council Regulation. I do not mean that. That cannot be passed through the Council. I remember one, *viz.*, the Regulation about the *karanma* service, *i. e.*, a Regulation which provides that some persons who serve in the temples could be removed by the Government if they did not discharge their duties properly. I drafted it and therefore I remember it. That was passed by Royal Proclamation.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Were the Devaswoms within the purview of the Legislative Council?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Such restrictions were created only since 1095. I remember, Sir, and I can assure the House positively, that there were at least half a dozen Regulations which were issued by His Highness the late Maha Raja directly and independently of the Council.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What does my friend think of the Newspapers Regulation compared with the other Proclamations that he referred to just now?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I do not think, Sir, it would be profitable to make such comparisons. As my friend Mr. Krishnaswami Aiyar put it the other day, there is no use comparing length with time, or weight with distance. The things that we compare must be of the same kind. I do not think the Legislative Council Regulation or any other Regulation can be compared with the Karanma Regulation.

Coming again, Sir, to the three points that I raised at the outset, I may submit that I am second to none in thinking that the privileges and rights of this House are maintained and safeguarded and also in seeing that the liberty of the Press is also maintained. But what I am concerned with is that we must also take care to see that liberty does not degenerate into license. Sir, the people have been saying ever so many things with reference to the liberty of the Press. I must say, Sir, that even for the liberty of the Press there are certain limitations. I think, Sir, that it was in R. *v.* Burdett—I am not quite sure—that it has been definitely stated that the moment vituperation begins there the liberty of the Press ceases to exist. Therefore, Sir, the only question that we need consider is whether some papers in Travancore at least have been indulging in vituperation. While speaking on the necessity for this piece of legislation, I believe my friend Mr. George clearly stated that there was a section of the Press in Travancore which was systematically indulging in vituperations, that he had the articles of such newspapers with him and that he did not want to trouble the House with a reading of those articles. I am glad to find, Sir, that even among those who supported the motion there were many who conceded that there was a section of the Travancore Press which was indulging freely in vituperations and who were therefore pleased to concede the necessity for a Regulation to control the Press in Travancore as my friend Mr. Joseph put it. Mr. Kayyalam Paramesvaran Pillai said he has many such articles with him and he would not tire the House by reading them. None of those who opposed the Regulation ever challenged the accuracy of that statement. Therefore, it is perfectly clear that a Press Regulation is necessary for our country. When I was in Government service I had the misfortune to go through

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many issues of several newspapers. When I was engaged by the Government in connection with one or two prosecutions of newspapers of our country I had the misfortune to examine ever so many issues of those papers. I have found, on an examination of them, that they have been freely indulging in vituperations. I felt, while I was reading them, that it would havg been far better for our country if those papers had not come into existence at all. The several articles I have had occasion to read were written in such undesirable language that no honourable citizen of the State would like to go through them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether my friend Mr. Subba Aiyar's attention has been drawn to the discussion in the House of Lords about the publication of the proceedings of Divorce Courts?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I know that the proceedings of Divorce Courts should not be published.

Moreover, Sir, in regard to the cases in which I had been engaged by the Government, the incriminatory and other articles of the newspapers in question were written in such foul language that I was forced to say that it was not possible for me to read them in the open court. The language was so very obscene, scurrilous and scandalous. I left it to the court to read the articles themselves. In the same way, while my friend Mr. V. S. Subrahmanya Aiyar was arguing the case in the High Court, he was also forced to make the very same request to the High Court. He also said that it was not possible for him to read the article in open court. If the articles in a newspaper could not be read in a court of law by one *man* before another *man* I ask in all seriousness the members of this House whether it will be desirable that such a set of scurrilous papers should be allowed to be circulated among women and children of our country? I say, Sir, human nature is weak in one respect. However educated we may be, we sometimes feel a desire to read scandals about others. That being the case, if such articles are allowed to be published in our newspapers, naturally even the educated men may have a tendency to read them.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Is Mr. Subba Aiyar of opinion that all the papers are of this kind?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I never said that.

I have read ever so many papers which are honourable and which will be an ornament to the State so far as the public opinion is concerned. I believe there is another set of papers which is not good and hence cannot be read by women and decent men and children. I challenge even the writer of the articles to read his article to his own friends. If it is a paper which cannot be read by a man to another man, it does not deserve to exist and I believe that it will affect the morals of the State. The State owes a duty to the public to preserve the public morals and as the custodian of public morals to see that the morals are not poisoned. The speech of Mr. Changanachery Parameswaran Pillai quoted by the Law Member shows that there was a necessity

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[Mr. V. Subba Aiyar.]

for the Regulation and Mr. Sivatanu Pillai, Mr. Tarakan and Mr. Joseph also thought so. So that persons who oppose the Regulation are really of opinion that there is a necessity. By the mere tone of the papers and the way in which they are conducted, there was need for a Regulation. Let us not say therefore that there is no necessity for a Regulation. Some people say: "there is the ordinary court of law; why not take it all the way from the Magistrate's court up to the highest court in the land". This would take about six months or one year. I ask if the public morals have been a vital fact and if poisoned from one end of the country to another, is it worth while to say that every one of the papers should be prosecuted, convicted and sentenced? By the time we do that, the poison would have circulated with the blood very easily. When a house is on fire, we are not going about to see who is the person that set fire to it or to run after him or go to the police station to report about it. What we ordinarily do is to quench the fire and then get about our business. Similarly, if a posion is injected or taken in, we send for the doctor and after that we take our own time to see that the man who committed the offence is prosecuted. In cases where journals are conducted in such a bad way, I say it is absolutely necessary in the interests of public morals and public safety and public peace that such things are immediately done away with. That is all what I have to say with respect to that portion.

Then, with respect to the methods of promulgation, some doubt has been raised by certain members. I did not read the Regulation myself carefully when it was sent to me as soon as it was published. It was only this morning that I read it very carefully. If I am the keeper of the conscience of the Government now as I was before, I may say I would have advised the promulgation of a Proclamation by Her Highness the Maha Rani Regent and not by the Council. The reasons are obvious. If I had anything to do with it, I might have advised that way only. Perhaps some of my friends on this side might not have done so. I fear that they may not then be right. Section 5 of the Regulation says—

"Whenever it appears to Our Government that any newspaper in respect of which a license has been granted under this Regulation—

(i) contains any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise"

Mr. Kumara Pillai read only so far. It is necessary to read the other provisions also.

"(*a*) to excite disaffection against or bring into hatred or contempt Us or Our Government or His Majesty the King-Emperor of India or the Government established by law in British India, or

(*b*) to bring into hatred or contempt any member of the Ruling Family of Travancore" etc.

These are the provisions contained in Section 5 and I daresay the members of the House will remember Section 11 of the Legislative

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Council Regulation which is explicit in the matter. It states that any matter relating to any member of the Royal Family or any matter relating to or affecting the Paramount Power cannot not only be introduced into the Bill, but shall not be considered by the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Was the existing Penal Code considered in this House ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): No. My friend does not know the previous history of the Council and I may tell him that from 1063 to 1073 there was no limitation about the powers of the Legislative Council. The only limitation was that measures affecting the public revenues of the State should receive the previous sanction of the Dewan. So that, there was no restriction in the first Proclamation as promulgated in 1063. Any matter can be brought into the Council and it was in that Council the Criminal Procedure Code and other measures were passed. After the Regulation of 1073, these amendments were not effected. I believe my friend Mr. G. Paramesvaran Pillai will bear testimony to it; when I introduced the Village Panchayat Bill the other day—and there was a provision in it that the Village Magistrate shall nct try a European British subject,—my friend Mr. G. Paramesvaran Pillai raised an objection saying that we ought not to raise racial distinctions here. But when I said that about European British subjects we cannot legislate, that portion relating to European British subjects was deleted. I may cite another instance. I believe Mr. P. K. Narayana Pillai was a member of the select committee on the Civil Procedure Code Bill where many of the provisions of the old Code were omitted in order that they may be enacted by means of a supplementary legislation by Her Highness the Maha Rani Regent direct.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is not such a course possible in this Regulation also ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I have not finished this point. There are certain matters which are beyond the cognisance of this Council. If my friend will read Sections 7 and 9, he will find every one of them ccntains references to Section 5. It is a small Regulation passed by Her Highness the Maha Rani Regent which is not like the Civil Procedure Code or the Criminal Procedure Code containing various matters. A few sections will have to be passed by the Council and the same sections along with the provisions relating to the Royal family and the Paramount power will have to be re-enacted by a Proclamation by Her Highness. I say, as it is, there is every justification to issue a consolidated Proclamation so far as this matter is concerned, instead of leaving out Sections 5, 7 and 9. Thus then the enactment should be passed by Her Highness the Maha Rani Regent direct and not through the Council. And I believe I have convinced Messrs. Sivatanu Pillai, Tarakan and Joseph that the position of mine is unattackable and that they must withdraw their objection, namely, that there is no necessity for a direct legislation.

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[Mr. V. Subba Aiyar.]

Then, their difficulty is only about the method of promulgation. I believe that inasmuch as the Sovereign exercises a prerogative, we ought not to go behind it. There is another point which also has to be considered. Although the prerogative is there, I believe it will be conceded that it is not intended to be used frequently, for if a weapon is used frequently, it gets blunt.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether he thinks the Sovereignty Regulation, IV of 1101 is not a superfluity so far as the prerogative of the Sovereign is concerned?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I am not in a position to undergo an examination in law for the present because Regulation IV of 1101 is foreign to the issue. I say that it will lead to matters which would unnecessarily detain the House. It is nearly five now and my own point is that it need not have been passed as, even without it the power is there. Probably, to make the matter clear, it was passed. Beyond that, there is nothing.

I say that that power is not to be exercised frequently. If a weapon is used frequently, it gets blunt, ineffective and therefore the value, the weight and the sanctity attached to Royal Proclamations will be considerably reduced. I daresay that such power will be exercised only sparingly whenever it is absolutely necessary.

Another aspect of the matter relates to Mr. Changanachery K. Paramesvaran Pillai's question to the Chief Secretary whether that prerogative was ever exercised by the Sovereign. If there is a royal prerogative to pass laws independently of the Council and if that power is never exercised, I for one would argue in this way, *viz.*, that a convention has grown by which the Sovereign never exercised the power, and the Sovereign shall never exercise it hereafter. So, occasionally, that power has to be exercised to show that the Sovereign has such a power.

Sir, I do not want to be dragged into the details of the various provisions. Probably, if I go through them here and there, there might be points on which there may be differences of opinion. There may be defects in drafting and hardship to the people. All these are minor matters, to be brought to the notice of the Government and I daresay that the Government in consultation with their Law Officers may do the needful. That need not take us far from the main point, namely, the necessity of a Proclamation and the method. I therefore strongly oppose the motion.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The time at my disposal is very limited. Being very late, I would confine my remarks to one or two aspects which I do not desire to pass unnoticed. I would, Sir, briefly touch these points and resume my seat. Sir, the expediency of passing this Regulation independently of the Council was pointed out on the other side. I would only submit with due respect to Mr. V. Subba Aiyar that this Regulation could very well have been passed through this Council in spite of two sub-clauses in section 5 of

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the Regulation, in spite of the fact that any particular section of the Regulation is beyond thecognisance of the Council. In the case of the Civil Procedure Code, there were several sections relating to matters beyond the purview of the Council. These were passed over and the rest was considered by the Council. If the same procedure was adopted in regard to this measure also, there would have been no complaint. But the Chief Secretary and the member who spoke on the point did not put forward this argument urged by Mr. Subba Aiyar. They rested their case entirely on the ground of expediency. I would join issue there and say that such enactments should as a matter of course come before the Council especially when they relate to matters which are within the purview of the Council. The next point is this. The Chief Secretary's statement to the effect that the affairs in this country are such as endanger public peace and public safety should not go unchallenged in this House. These arguments are entirely out of place. There is *no* sedition in this country and we feel strongly on the point. Travancoreans are as a class, peaceful and peace loving; and they are to a man absolutely loyal to their Sovereign and no sort of slur can be levelled against the law-abiding citizens of the State. The loyalty of the people is such that even if one or two citizens are accused behind their back that they are seditious, it will be sufficient to rouse our spirit and to repudiate the charge in the strongest terms. I repeat there is no such thing as sedition in this country known to the people of Travancore. Affairs in Travancore are quite normal and ordinary and they do not require any extraordinary interference from any quarter whatsoever. I am only sorry that such statements should come from the Government benches. With regard to the question of communal tension raised on the other side, I must say that there is a fundamental difference between what is obtaining here and what is obtaining in Bengal. There the question is one of Hindu-Muslim feuds based entirely upon religious or social differences. Here, fortunately for us, it is confined to a few educated unemployed gentlemen who are primarily responsible for all this unhealthy rivalry and unwholesome squabbles. (*Hear, hear.*)

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): May I know whether these publications do not attack religious institutions also?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I say that it is primarily due to petty rivalry among the educated men who are unemployed. I would therefore state that there is nothing abnormal or extraordinary in the affairs of this country and no extraordinary interference is required from any quarter whatever.

MR. K. K. THOMAS (*Kottayam*): May I ask Mr. Paramesvaran Pillai—

PRESIDENT: The member has resumed his seat.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I should not have thought it necessary to stand up at this late hour of the day but for the fact that I was so much in evidence in the discussion of this important matter, especially on the other side of the House. I am very thankful to the compliment paid to me by quoting freely

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[Mr. Changanachery K. Paramesvaran Pillai]

from my speech. But it reminded me of somebody quoting the Bible. Now, taken out of its setting, the portion read by the Law Member as well as by my learned friend Mr. George may lead to the inference which they want to draw from it. But I thought they would be equally fair to me by also drawing attention at least to the whole of that passage which they wanted to make use of. My only request is that, while they have been good enough to make use of that portion of my speech which they thought served their purpose and showed great respect for my opinion expressed therein, they will be fair enough to me to give equal respect and consideration to the opinion expressed by me in regard to the Legislative Council Regulation itself. Sir, in that speech, I have unconditionally condemned the Newspapers Regulation, its method of promulgation, the necessity for that promulgation and the various provisions of that measure. No doubt, at the same time, I thought that I should, in order to be fair to myself, draw attention to the newspapers also--to a certain section of the Press—which misused their privileges. That did not in my opinion justify the promulgation of a Regulation of this kind and I unmistakably gave expression to my view that that did not at all justify the promulgation of this Regulation.

Secondly, the portion omitted from the passage read by Mr. Paramesvaran Pillai would show that I also wanted to show that the Government, although there was some justification, passed the measure in anger and passion, and not that they deliberately considered it to be necessary, the machinery being run by men subject to severe criticism. If that is also complimentary to the Government, I have no objection to that passage being used. At the same time, I will request my friend to read the whole passage and not to leave out what is inconvenient to him.

Sir, in respect of this Regulation, the point raised by my friend Mr. Nilakanta Pillai is a very important one. There are several aspects connected with that matter which have been freely threshed out in this Council. There is no time for me to dwell upon any of them in detail, but I wish to refer to one point.

PRESIDENT: Your time is up.

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): Sir, I wish to say a few words on one or two points that have been raised in the course of this debate, because I feel that there has been some misunderstanding of the intentions of the Government as well as of the scope and object of the Newspapers Regulation. My learned friend Mr. P. K. Narayana Pillai read out certain passages from some books relating to the freedom of the Press. I may assure the House that the freedom of the Press is as much favoured by the Government as by the people. But it is also worthy of note that this freedom of the Press is not always to be kept unrestrained, seeing that the Press is a mighty engine for good or evil as it is directed. It is necessary to keep it under proper restraint, because, if it is directed on bad lines, it is capable of doing a

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great deal of mischief. This has been recognised by eminent jurists and political philosophers. The freedom of the Press, has of course, to be protected, but always it has to be dealt with with reference to the circumstances, local and temporal, that is to say, with regard to the time and place where this freedom of the Press is urged.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether action was taken against any newspaper after the promulgation of this Regulation ?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I am not sure whether any definite action has been taken against any paper. I understand that a warning has been given to one of the papers.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know for what offence this warning was given ?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I have already stated that no definite action has been taken. It is only a preliminary warning that has been given.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What is the name of the paper that has been warned ?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I am not prepared to give the name of the paper.

I was submitting that if the circumstances in which we are placed are such as to make it necessary to put some restraint upon the liberty of the Press, then, on the mere abstract basis that the freedom of the Press is sacred, we should not refrain from taking such action.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether my friend Mr. Subrahmanya Aiyar will call into question the opinion of the Repressive Laws Committee that only when the maintenance of law and order becomes impossible can the freedom of the Press be interfered with ?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I am not concerned with that opinion of the Repressive Laws Committee. It was dealing with certain circumstances in a particular locality. We are dealing with a different state of affairs in another locality.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from Mr. Subrahmanya Aiyar whether he considers the opinion of the Repressive Laws Committee to be correct ?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I am not now entering into the question of the correctness or otherwise of the opinion of the Repressive Laws Committee. So far as I am concerned, I may say that, to the extent that curtailment is necessary in the interests of the public, the freedom of the Press should be curtailed.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Does Mr. Subrahmanya Aiyar remember that Mr. George said that this country should be compared only with British India and Native States and not with other countries ?

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MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): In my opinion, it is equally useless to compare our country with any other place, (Mr. G. Paramesvaran Pillai, *hear, hear*) because each community, or society has to go along its own path. In one particular country, at a particular time, a certain course of action may be necessary. But in another country, a different set of circumstances may arise and a different course of action may have to be taken. If an epidemic rages in one country, the rules for quarantine may have to be put into force there. It is not necessary that the rules should be enforced there at all times. I am referring to the statement made here that the British Indian Press Law, Act I of 1910, has been repealed in the year 1922.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I know whether the repealing Act, XIV of 1922, does not amend the Criminal Procedure Code with a view to curtail the liberty of the Press?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): That was the point which I wanted to mention.

All the provisions of the Press Act, I of 1910, were not repealed. Several of those provisions were embodied in the Criminal Procedure Code, the Post Office Act and in the Sea Customs Act.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We have no corresponding provisions here regarding the Post Offices and Sea Customs.

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): My friend has studiously avoided mentioning the Criminal Procedure Code. The provisions of the Press Act that were embodied in the Criminal Procedure Code are found in the Newspapers Regulation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the action taken under the Newspapers Regulation can be called judicial action?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): He is making a mistake. It is a judicial action, because the High Court has a power to judge on appeal.

As I was submitting, if it is necessary in the interests of the country to have some restraint imposed upon the Press, then such restraint should be effected.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I ask him in whom vests the authority to decide the sufficiency of the circumstances to impose that restraint?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I do not see why the Government should not do that. That is a question which depends upon the existence of the necessity. Merely upon the abstract position that the freedom of the Press should always be maintained, it should not be held that where there is a necessity, where there are circumstances which show the existence of necessity, no action should be taken. That position cannot be maintained. In Travancore, at least in recent times, there has been a great deal of objectionable matter published in a certain section of the Press. That has been more or less admitted by all. The question then is why it is not enough to

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enforce the provisions of the Penal Code. I will say why the existing provisions are not enough. In the first place, it must be remembered that the number of objectionable articles appearing in the Press should not be gauged from the number of prosecutions that have been launched by the Government. It is not every objectionable article that appears in the Press that is the subject of prosecution. The Government have to see that a large number of prosecutions for offences under Section 117 or 145 A of the Penal Code are not launched. It would be inexpedient, extremely inexpedient. The number of objectionable articles is much greater than the number of prosecutions. It is only in a small percentage of the articles that prosecution has been resorted to. I must press upon the House that this Regulation is not a punitive measure; it is a preventive measure. Action may be taken under Section 117 of the Penal Code, relating to sedition, and 145 A. relating to fomenting class hatred.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether there are preventive measures or sections in the Criminal Procedure Code?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): Not sufficient for this purpose.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): For any other purpose?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): We are not dealing with that now. The Penal Code contains provisions for punishing a person for publishing bad articles. They may suffice when the offence appears in a sporadic form here and there, but not when it becomes an epidemic.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Has there been any epidemic of that nature?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): Yes, that is what is stated. It is greatly inexpedient to depend upon mere prosecutions for suppressing it. It is like a man going with a bottle of medicine to treat the people affected during an epidemic. We should see that the evil is cut at the root. It is something like this. Suppose there is a factory where poison gas is produced. It is known that poison gas is produced there and disseminated. Is it the part of wisdom to say that the foreman or a workman who has to attend to some particular portion of the machinery may be brought up for punishment and the matter may be dropped there? It seems to me that you ought to take all measures to close down that factory. This Regulation, I am submitting to the House, is one which is meant for preventing the dissemination of journalistic poison.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If the Regulation is intended only for prevention, how does the member explain the maximum amount of fees imposed upon some papers?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): It seems to me that the amount of license fees is a matter that is irrelevant to the particular question before the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there any enquiry provided for under the Criminal Procedure Code?

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MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Then why not provide for an enquiry in this case also?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): It seems to me that it would defeat the very object of the Regulation. As I said, if it is found that poison is being sent out from moment to moment, unless it is stopped at once provisionally, it will be spreading.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I ask the member whether, after all, the literate mass in Travancore are indiscriminate as to swallow anything and everything that appear in the Press?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I shall answer that question of my learned friend. We have to make a distinction, a sharp distinction, between the educated class and the half-educated and the merely literate class. (Mr. K. C. Mammen Mappillai, *Hear, hear.*) We know that, so far as literacy is concerned, Travancore stands in a high position. But the mere fact that a man is able to read and write does not show that he has sufficient judgment to distinguish between good writing and bad writing, writing in bad taste and writing in good taste. Highly educated people can take care of themselves. When they come across an objectionable article, they know it is rubbish and throw it away.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I ask the member how many papers there are which have been said to be publishing obscene and objectionable matter, having a circulation worth the name?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I am not aware of the extent of their circulation.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): May I ask him whether in the case of an obscene paper every one would try to get a copy to read?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): That is what I have heard.

MR. K. K. THOMAS (*Kottayam*): May I ask him if such sheets are not re-printed and circulated?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): There are some instances like that.

In the interests of the vast mass of people not at the top and who are either half educated or merely literate and of the young and immature minds in the community, such a Regulation has become absolutely necessary.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Will the member give any parallel instance in any other country where, because a few papers published obscene or scurrilous articles, the freedom of the Press was curtailed?

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MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I am not aware of any country where the same circumstances exist as here. If my friend will mention any country having the same conditions, I may be able to answer him. (*Laughter.*)

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Is he aware of any Native State where a Press Act of a more rigorous kind does not exist at the present day?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I believe the learned member means any Native State where a more rigorous law does exist.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): No. I mean where a more rigorous press law does not exist.

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I cannot say.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): What is the percentage of newspapers indulging in such language?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I have not made any calculation of the percentage.

Many of the members on the other side also admitted that there is a section, and not a negligible section, of the press in Travancore that indulges in objectionable writing. We must remember that the present Regulation is not a punitive measure, it is preventive. When prevention is necessary, the executive is given sometimes the power to prevent.

MR. T. KUMARA PILLAI (*Kalkulam* cum *Vilavankod*): ഗവർമെന്റ് നേരിട്ടധികാരം വഹിക്കുന്നതായി മറ്റേതെങ്കിലും നിയമങ്ങൾ ഈ രാജ്യത്തുണ്ടോ?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): ഉണ്ട്. പോലീസ് റഗുലേഷൻ ഉണ്ട്.

Under the Police Regulation, churches, mosques, etc., may be closed.

By this Regulation also, when it is necessary to have immediate remedy, the executive may take action and leave the courts to function in the regular course. Resort to the courts cannot be denied to any person if he wishes to take the matter there. Even after the Government has taken action on the application of the party it is bound either to cancel its previous order or place the matter before the High Court. That is the main point which I want to mention.

There is another point with regard to which there was a misunderstanding. Soon after this Regulation was promulgated, we found some criticism based upon a misreading of the provisions. It was said that it was only in the case of a second cancellation of license that a right of appeal is allowed. That statement was due to a misreading of the Regulation. In the same way, my friend Mr. Sivarama Panikkar stated, with reference to Section 7 of the Regulation, that any policeman is entitled to enter our houses, to violate the privacy of our houses, and to search for copies of newspapers. It seems to me that my learned friend has not read that section properly. It is only a police officer not below the

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[Mr. V. S. Subrahmanya Aiyar.]

rank of an Inspector, and armed with a warrant from a magistrate that can enter a house for such search.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Did he not hear that I said '*elderly policeman*'?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): That makes no difference. There may be young Police Inspectors and elderly Police Constables.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does the member know that a Police Officer is none but an elderly policeman with increased needs? (*Laughter.*)

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What does the member say to the following sentence in the Regulation: "*Any police officer* may seize any such copy wherever found"?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): The words should be taken along with the next clause which shows that there is a special provision made in the latter part of it for house-searches.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is only a question of interpretation.

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): No. It is stated there.

Sir, one or two members seem to have suggested that the Government passed this piece of legislation in a mood of anger. I may say that they did it with great sorrow, because it was found absolutely necessary to pass such a legislation. They would not have passed such legislation but that they felt it a matter of absolute necessity. It was not passed in a spirit of anger or in a spirit of retaliation. It was passed only because there was absolute necessity for a legislation like this. It was found that a set of newspapers persistently contaminated the minds of young boys and girls in our country. It is with a view to see that the young men and women in our country were not contaminated by the undesirable, obscene and objectionable writings of a section of the Press that this Regulation has been enacted by the Government.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there any provision in the Regulation against obscenity?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): As has already been pointed out by Mr. Paramesvaran Pillai, obscenity is found in connection with the vilification of some individual or other. Obscene language is generally used with a view to defame some particular individual or class.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My question was whether there is any specific provision against obscenity.

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): It can be seen from the Regulation itself that obscenity as such is not made an offence under the Regulation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Suppose a newspaper says that an act on the part of the Government or on the part of an officer is not justifiable. Does it not amount to an offence under the Regulation?

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MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I am not going to give my opinion with regard to his particular case *gratis*. (*Laughter.*)

MR. C. P. THOMAS (*Nominated*): May I know whether after the passing of the Newspapers Regulation there has been any improvement in the tone of the section of the Press during the last three months?

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): Yes. There has been.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, while concluding, what I have to say is that the points that I raised in my opening speech are still where they were, although the several members on the opposite side have been arguing the question at length. Every one of their speeches, when analysed, is vague and indefinite and does not help me to understand how the points raised by me have been met properly. They say that some papers were trading on nonsensical or obscene language; but they are not prepared to furnish the percentage of such papers. They are not sure of the number of such papers either. They also do not allow us to infer the number of such papers from the number of prosecutions that have been launched against the Press.

MR. C. P. THOMAS (*Nominated*): May I know from the member whether, according to him, if only a few papers had been indulging in such foul language the evil is not grave enough?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I will answer that question later on.

Mr. V. S. Subrahmanya Aiyar has been saying, Sir, that if an epidemic prevails in a particular locality, quarantine rules have to be enforced in that particular locality. Now, Sir, extending that analogy, if two or three papers were found to be faulty, is it justifiable to pass a Regulation which would gag the whole of the Press in Travancore? Suppose we understand that a thief has entered a house at 8 P. M. and has stolen away some property. Having come to understand that there has been a theft in a certain house, suppose the Police Commissioner orders that nobody should step out of his house after 8 P. M. Will it be justifiable on the part of the Police Commissioner to pass such an order? I hope that Mr. C. Thomas also is answered. Mr. Subba Aiyar emphasised the point in regard to the direct promulgation of this Regulation by the Sovereign and tried his level best to justify it and thus, if possible, to win over to his side one or two members on this side of the House.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I am not interested in any member coming to my side, Sir.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Mr. G. Parameswaran Pillai has very well met Mr. Subba Aiyar's point by saying that leaving a few Sections of the Regulation dealing with the Royal Family to be passed by direct promulgation, the other Sections might have been passed through this Council. I therefore do not want to lengthen my argument on that point. As has already been pointed out, it is not advisable to arm the executive with arbitrary powers of this kind.

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[Mr. K. P. Nilakanta Pillai.]

Statesmanship consists in lessening criticism by the adoption of prudent measures and not by arming the executive with arbitary powers. A learned contributor to the Harward Law Review has said that "to prohibit criticism in matters of public interest is incompatible with the principles of any form of Government in which the people are associated in the work of administration." The Newspapers Regulation makes it rather impossible for the accredited representatives of the people to work in harmony with the Government. Therefore, what I urge upon the Government is that, having understood the real situation that has been created by the promulgation of this Regulation, to reconsider the whole question and see that the present Regulation is repealed forthwith if they consider that the appeal of the non-official representatives of the people of the country in any matter deserves to have any weight with the Government. If they find it necessary to have some sort of control over the Press, they should come to this Council with some other Regulation. As it is, it is impossible for me to support the Regulation. I therefore press my motion.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether, in the light of the opinions expressed by some of the members regarding the necessity for such a Regulation, the member is pressing the motion on all the grounds previously stated by him or only on the ground relating to the method of promulgation?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I raised three points, *viz.*, the necessity for this Regulation, the method of promulgation and the legality of the method. These are the three points that I raised and they remain unanswered. I am not satisfied with the arguments advanced by the official members.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): May I know how many papers should, according to the member, go wrong before action could be taken under a Regulation such as this?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I am also a man who is in touch with public opinion as much as anybody else. Therefore, although the Government members were not able to give the figures, I can give them. I know that not more than 2 or 3 papers were playing this game.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): That is not my question. My question was, how many papers, in his opinion, must go wrong before action could be taken by a Regulation like this?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is not possible to lay down a hard and fast rule in such matters. There must be a considerable number of papers to justify this sort of action on the part of the Government.

MR. K. GEORGE (*Chief Secretary to Government*): Sir, the matter has been thoroughly discussed and I have nothing more to add. The

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Government's position has been very clearly explained. Notwithstanding what Mr. K. P. Nilakanta Pillai says, I hold that all the points that he urged have been answered. The necessity for this piece of legislation has been plainly set forth and it has been conceded by almost all the speakers with the exception of my friend Mr. G. Paramesvaran Pillai.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): What I said was that there was no sedition in the country. I said that the affairs in the country were quite normal.

MR. K. GEORGE (*Chief Secretary to Government*): I do not agree with that view. There may not be sedition in the whole of the country. Sedition is being spread in the country. Communal strife is being spread in the country. Obscene language is being used in the newspapers and that contaminates public morals.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): But, there is no specific provision in the Regulation to prevent the use of obscene language.

MR. K. GEORGE (*Chief Secretary to Government*): That has already been explained by the Law Member. It is sufficiently covered by the Regulation.

As regards the argument that the provisions in the Regulation are very drastic, I may say that, although the provisions might be drastic, none of the newspapers has yet found it so inspite of the fact that this Regulation has been in existence for the last three months. None of the newspapers seems to have had any reason to complain.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What about the *Navasakthi*?

MR. K. GEORGE (*Chief Secretary to Government*): The Regulation has not been enforced against that paper.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know what has been done in regard to that paper?

MR. K. GEORGE (*Chief Secretary to Government*): Nothing, under the Regulation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether, in the light of the discussion, the Government are prepared to reconsider the modification of some of the provisions of the Regulation?

MR. K. GEORGE (*Chief Secretary to Government*): I cannot answer it at present.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether they will consider the desirability of appointing a representative committee to examine this enactment in the light of the criticisms of this House?

MR. K. GEORGE (*Chief Secretary to Government*): That is also a matter in regard to which I cannot at present give any definite answer.

PRESIDENT: Do you press your motion, Mr. Nilakanta Pillai?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes, Sir.

The motion was put to the vote of the House and declared lost, 14 voting *for* and 30 *against*.

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MR. C. P. TARAKAN (*Kannatnad*): I demand a poll.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I also demand a poll.

The following poll was taken:

AYES—14.

1. Mr. C. P. Kochukunju Pillai.
2. ,, T. Kumara Pillai.
3. ,, K. Madhavan Pillai.
4. ,, G. Narayana Pillai.
5. ,, Kallur Narayana Pillai.
6. ,, P. K. Narayana Pillai.
7. ,, K. P. Nilakanta Pillai.
8. Mr. M. N. Pillai.
9. ,, G. Paramesvaran Pillai.
10. ,, Changanachery K. Paramesvaran Pillai.
11. ,, G. Raman Menon.
12. ,, K. Sivarama Panikkar.
13. ,, M. Sivatanu Pillai.
14. ,, C. P. Tarakan.

NOES—30.

1. Mr. I. C. Chacko.
2. ,, J. B. Cook.
3. ,, Paul Daniel.
4. ,, R. Dhanukoti Pillai.
5. ,, K. George.
6. ,, P. Habeeb Mahomed.
7. ,, A. J. John.
8. ,, N. V. Joseph.
9. ,, X. G. Lopez.
10. ,, C. Kerala Varma Koil Tampuran.
11. ,, R. K. Krishna Pillai.
12. ,, R. Krishnaswami Aiyar.
13. Dr. N. Kunjan Pillai
14. Mr. Tariatu Kunjitomman.
15. ,, K. C. Mammen Mappillai.
16. Mr. T. J. Matthew.
17. ,, K. V. Natesa Aiyar.
18. ,, R. Nilakanta Pillai.
19. ,, R. Padmanabhan.
20. ,, Kayyalam Paramesvaran Pillai.
21. Mrs. M. Poonen Lukose.
22. Mr. T. P. Ramasubba Aiyar.
23. Rao Bahadur K. V. Rangaswami Aiyangar.
24. Mr. S. C. H. Robinson.
25. ,, V. Subba Aiyar.
26. ,, C. P. Thomas.
27. ,, K. K. Thomas.
28. ,, C. N. Tuppan Namputiri.
29. ,, V. S. Subrahmanya Aiyar.
30. ,, A. J. Van Ross.

NEUTRAL - 1.

Mr. K. I. Joseph.

The motion was declared lost.

The question that the sum of Rs. 1·97 lakhs under Demand IX—General Administration—Secretariat, Etc., be granted was then put and carried.

The grant was made.

PRESIDENT: The House will now rise for the day and assemble at half past eleven tomorrow morning.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): We will have the election tomorrow as it is rather too late to-day.

PRESIDENT: Yes.

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Motions 226 to 250.

The following motions lapsed, the time allotted for the demand having expired :—

MR. K. K. THOMAS :

226. To reduce the allotment of Rs. 1,51,601 for Huzur Cutcherry by Re.

MR. C. N. TUPPAN NAMBUTIRIPAD :

227. To reduce the allotment of Rs. 1,51,601 for Huzur Cutcherry by Re. 1.

MR. T. J. MATTHEW :

228. To reduce the allotment of Rs. 1,51,601 for Huzur Cutcherry by Re. 1.

MR. TARIATU KUNJITOMMAN :

229. To reduce the allotment of Rs. 1,51,601 for Huzur Cutcherry by Re. 1.

MR. A. K. PILLAI :

230. To reduce the allotment of Rs. 1,51,601 for Huzur Cutcherry by Rs. 10.

MR. T. KUMARA PILLAI :

231. To reduce the allotment of Rs. 1,51,601 for Huzur Cutcherry by Rs. 100.

MR. K. I. JOSEPH :

232. To reduce the allotment of Rs. 1,51,601 for Huzur Cutcherry by Rs. 100.

15 C – GENERAL ADMINISTRATION – LEGISLATIVE COUNCIL.

MR. K. MADHAVAN PILLAI :

233. To reduce the allotment of Rs. 3,000 for Honorarium to the Deputy President by Rs. 1,500.

MR. K. MADHAVAN PILLAI :

234. To reduce the allotment of Rs. 1,500 for other expenses by Rs. 100.

Motions for reduction of total grant.

MR. C. P. TARAKAN :

235. To reduce the allotment of Rs. 21,900 for Legislative Council by Re. 1.

MR. K. P. NILAKANTA PILLAI :

236. To reduce the allotment of Rs. 21,900 for Legislative Council by Re. 1.
(To suggest the repeal of the Newspapers Regulation, V of 1101.)

MR. K. K. THOMAS :

237. To reduce the allotment of Rs. 21,900 for Legislative Council by Re. 1.

MR. T. J. MATTHEW :

238. To reduce the allotment of Rs. 21,900 for Legislative Council by Rs. 5.

MR. A. K. PILLAI :

239. To reduce the allotment of Rs. 21,900 for Legislative Council by Re. 10.

MR. K. I. JOSEPH :

240. To reduce the allotment of Rs. 21,900 for Legislative Counril by Rs. 10

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MR T. KUMARA PILLAI:

241. To reduce the allotment of Rs. 21,900 for Legislative Council by Rs. 100.

MR. S. PIRAVIPERUMAL PILLAI:

242. To reduce the allotment of Rs. 21,900 for Legislative Council by Rs. 100.

15 D—GENERAL ADMINISTRATION *Sri Mulam Popular Assembly.*

Motions for reduction for total grant.

MR. T. J. MATTHEW:

243. To reduce the allotment of Rs. 15,600 for Sri Mulam Popular Assembly by Re. 1.

MR. A. K. PILLAI:

244. To reduce the allotment of Rs. 15,600 for Sri Mulam Popular Assembly by Rs. 10.

Motion for reduction of total grant under Demand IX.

MR. C. P. THOMAS:

245. To reduce the total allotment of Rs. 1·97 lakhs under Demand IX by Re. 1. (To point out the delay in giving effect to the Village Panchayat Regulation)

MR. C. P. TARAKAN:

246. To reduce the total allotment of Rs. 1·97 lakhs under Demand IX by Re. 1.

MR. A. K. PILLAI:

247. To reduce the total allotment of Rs 1·97 lakhs under Demand IX by Rs. 10.

MR. G. RAMAN MENON:

248. To reduce the total allotment of Rs. 1·97 lakhs under Demand IX by Rs. 10.

(To point out the necessity for a more sympathetic understanding of the condition and needs of the people on the part of high Government officials)

MR. T. KUMARA PILLAI:

249. To reduce the total allotment of Rs. 1·97 lakhs under Demand IX by Rs. 100.

MR. P. HABEEB MAHOMED:

250. To reduce the total allotment of Rs. 1·97 lakhs under Demand IX by Rs. 100.

The House adjourned at 5-40 P. M.

T. P. RAMASUBBA AIYAR,
Secretary to the Legislative Council.

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